

# EXHIBIT E

CATHY HWANG  
SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023

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<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 SOUTHERN DISTRICT OF NEW YORK</p> <p>3 SELENA STALEY, VIVIAN )</p> <p>4 HOLMES, and OLIVE IVEY, )</p> <p>5 on behalf of themselves )</p> <p>6 and all others similarly )</p> <p>7 situated, )</p> <p>8 Plaintiffs, )</p> <p>9 -against- ) No. 22-CV-6781 (JSR)</p> <p>10 FOUR SEASONS HOTELS AND )</p> <p>11 RESORTS, HOTEL 57 )</p> <p>12 SERVICES, LLC, HOTEL 57, )</p> <p>13 LLC, TY WARNER HOTELS &amp; )</p> <p>14 RESORTS, LLC, and H. TY )</p> <p>15 WARNER, )</p> <p>16 Defendants. )</p> <p>17 The videotaped deposition of CATHY</p> <p>18 HWANG, called as a witness for examination, taken</p> <p>19 pursuant to the Federal Rules of Civil Procedure of</p> <p>20 the United States District Courts pertaining to the</p> <p>21 taking of depositions, taken via Zoom video</p> <p>22 conference before JACQUELINE M. TIMMONS, a Notary</p> <p>23 Public within and for the County of DuPage, State</p> <p>24 of Illinois, and a Certified Shorthand Reporter of</p>	<p style="text-align: right;">Page 3</p> <p>1 PRESENT (Continued):</p> <p>2</p> <p>3 SMITH GAMBRELL RUSSELL,</p> <p>4 (1301 Avenue of the Americas, 21st Floor,</p> <p>5 New York, New York 10019,</p> <p>6 212-218-8760), by:</p> <p>7 MS. KATHRYN T. LUNDY,</p> <p>8 klundy@sgrlaw.com,</p> <p>9 appeared via Zoom Video Conference on</p> <p>10 behalf of the Defendants Hotel 57</p> <p>11 Services, LLC; Hotel 57, LLC; Ty Warner</p> <p>12 Hotels &amp; Resorts, LLC, H. Ty Warner, and</p> <p>13 the deponent;</p> <p>14</p> <p>15 SMITH GAMBRELL RUSSELL,</p> <p>16 (311 South Wacker Drive, Suite 3000,</p> <p>17 Chicago, Illinois 60606,</p> <p>18 312-360-6000), by:</p> <p>19 MR. JAMES J. BOLAND,</p> <p>20 jboland@sgrlaw.com,</p> <p>21 appeared on behalf of the Defendants</p> <p>22 Hotel 57 Services, LLC, Hotel 57, LLC,</p> <p>23 Ty Warner Hotels &amp; Resorts, LLC, H. Ty</p> <p>24 Warner, and the deponent;</p>
<p style="text-align: right;">Page 2</p> <p>1 said state, at 280 Chestnut Avenue, Westmont,</p> <p>2 Illinois, on the 14th day of April, A.D. 2023 at</p> <p>3 9:05 a.m.</p> <p>4</p> <p>5 PRESENT:</p> <p>6</p> <p>7 BRUSTEIN LAW PLLC,</p> <p>8 (299 Broadway, 17th Floor,</p> <p>9 New York, New York 10007,</p> <p>10 212-233-3900), by:</p> <p>11 MR. EVAN CRAIG BRUSTEIN,</p> <p>12 evan@brusteinlaw.com,</p> <p>13 and</p> <p>14 RISMAN &amp; RISMAN, P.C.,</p> <p>15 (299 Broadway, 17th Floor,</p> <p>16 New York, New York 10007,</p> <p>17 212-233-6400), by:</p> <p>18 MS. MAYA RISMAN,</p> <p>19 info@risman-law.com,</p> <p>20 appeared via Zoom Video Conference on</p> <p>21 behalf of the Plaintiffs;</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 4</p> <p>1 PRESENT (Continued):</p> <p>2</p> <p>3 STOKES &amp; WAGNER, ALC,</p> <p>4 (903 Hanshaw Road,</p> <p>5 Ithaca, New York 14850,</p> <p>6 607-257-5165), by:</p> <p>7 MR. PAUL ERIC WAGNER,</p> <p>8 pwagner@stokeswagner.com,</p> <p>9 appeared via Zoom Video Conference on</p> <p>10 behalf of the Defendant FSR</p> <p>11 International Hotels, Inc.</p> <p>12</p> <p>13 ALSO PRESENT:</p> <p>14 MS. AMANDA YONUSHATIS, The Videographer.</p> <p>15</p> <p>16 REPORTED BY: JACQUELINE M. TIMMONS,</p> <p>17 C.S.R., R.M.R., R.D.R.</p> <p>18 Certificate No. 84-2949.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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<p style="text-align: right;">Page 5</p> <p>1 THE VIDEOGRAPHER: This is videotape No. 1 to  2 the videotaped deposition of Cathy Hwang in the  3 matter of Selena Staley, et al., versus FSR  4 International Hotel, Incorporated, being heard  5 before the United States District Court, Southern  6 District of New York, Case No. 22-CV-6781.  7 This deposition is being held at  8 208 Chestnut -- Chestnut Ave. in Westmont,  9 Illinois, on April 14, 2023, at 9:06 a.m.  10 My name is Amanda. I'm the  11 videographer, Amanda, and the court reporter is  12 Jacqueline Timmons.  13 Counsel, will you please introduce  14 yourselves and affiliations, and the witness will  15 be sworn.  16 MR. BRUSTEIN: Good morning. Evan Brustein  17 Brustein Law, on behalf of the plaintiffs.  18 And I believe it's 280, not 208 Chestnut  19 Ave., just --  20 MS. HWANG: That's correct. It's 280 Chestnut  21 Avenue.  22 MS. RISMAN: Maya Risman, Risman &amp; Risman on  23 behalf of plaintiffs.  24 MR. BOLAND: Jim Boland from Smith Gambrell</p>	<p style="text-align: right;">Page 7</p> <p>1 to call the witness Ms. Hwang. Thank you.  2 MR. BRUSTEIN: And I hope that this is the  3 last question you answer on behalf of the witness.  4 BY MR. BRUSTEIN:  5 Q. Ms. Hwang, I represent the plaintiffs in  6 this action in the Southern District of New York.  7 Are you represented by counsel today?  8 A. Yes.  9 Q. And what are the names or name of the  10 attorneys that are representing you today?  11 A. Jim Boland and Kathryn Lundy.  12 Q. And what law firm are they with?  13 A. Freeborn, which has recently been  14 changed to SGR. I don't remember the full name of  15 the firm. Smith -- you have to tell me the rest.  16 MR. BOLAND: Whatever you remember.  17 BY THE WITNESS:  18 A. SGR.  19 BY MR. BRUSTEIN:  20 Q. And are you going to allow Mr. Boland to  21 decide what you are referred to today?  22 A. I prefer to be addressed as Cath --  23 Ms. Hwang.  24 Q. Not a problem, Ms. Hwang. Thank you.</p>
<p style="text-align: right;">Page 6</p> <p>1 Russell on behalf of the Warner defendants and  2 Ms. Hwang.  3 MS. LUNDY: Kathryn Lundy of Smith Gambrell  4 and Russell, also on behalf of the Warner  5 defendants and Ms. Hwang.  6 MR. WAGNER: Paul Wagner of Stokes Wagner on  7 behalf of FSR International Hotels, Inc.  8 MS. HWANG: Cathy Hwang, the Chief Financial  9 Officer of Ty Warner Hotels &amp; Resorts.  10 (WHEREUPON, the witness was duly  11 sworn.)  12 CATHY HWANG,  13 called as a witness herein, having been first duly  14 sworn, was examined and testified as follows:  15 EXAMINATION  16 BY MR. BRUSTEIN:  17 Q. Good morning, Ms. Hwang.  18 A. Good morning.  19 Q. For today's purposes, do you prefer that  20 I call you Cathy or Ms. Hwang?  21 MR. BOLAND: Ms. Hwang.  22 MR. BRUSTEIN: Thank you, Mr. Boland, but I'm  23 asking the witness.  24 MR. BOLAND: And I'm telling you, you're going</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Thank you.  2 Q. I will be asking a series of questions  3 today, and the reporter will be recording your  4 answers. As I said, I represent the plaintiffs in  5 this action in the Southern District of New York.  6 You must give verbal responses. Please  7 do not nod your head or say "uh-huh." I'm looking  8 to find out everything you know regarding the facts  9 and circumstances surrounding the lawsuit. For  10 that reason, I'm looking for complete answers.  11 Is that understood?  12 A. Yes.  13 Q. Please keep your voice up and speak  14 clearly so the court reporter can transcribe the  15 deposition accurately. Do you understand?  16 A. Yes.  17 Q. Please wait for me to finish asking the  18 question before you answer. This makes it easier  19 for the court reporter to take down what we are  20 saying and will get us through the deposition  21 quicker, okay?  22 A. Yes.  23 Q. If you do not understand a question,  24 tell me you don't understand, and I will rephrase</p>

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<p style="text-align: right;">Page 9</p> <p>1 it, okay?</p> <p>2 A. Okay.</p> <p>3 Q. If you do not hear any part of a</p> <p>4 question, please tell me, and I will repeat it,</p> <p>5 okay?</p> <p>6 A. Okay.</p> <p>7 Q. I only expect you to testify about</p> <p>8 things you remember. If you don't remember, tell</p> <p>9 me you don't remember, okay?</p> <p>10 A. Okay.</p> <p>11 Q. This testimony is given under oath,</p> <p>12 which is similar to the oath you would take on</p> <p>13 stand at trial. Do you understand that you took an</p> <p>14 oath to give complete and truthful answers?</p> <p>15 A. Yes.</p> <p>16 Q. If you realize during the deposition</p> <p>17 that an earlier answer was inaccurate or</p> <p>18 incomplete, let me know, and I will give you a</p> <p>19 chance to correct it, okay?</p> <p>20 A. Okay.</p> <p>21 Q. You may review the transcript that will</p> <p>22 be generated by the court reporter from the</p> <p>23 testimony today, and after your review, you may</p> <p>24 correct any errors you find in the transcript.</p>	<p style="text-align: right;">Page 11</p> <p>1 You can answer.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Yes.</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. Do you understand the rules of the</p> <p>6 deposition for today?</p> <p>7 A. Yes.</p> <p>8 Q. How did you choose to be represented by</p> <p>9 Mr. Boland?</p> <p>10 A. He -- he was referred from Mr. Warner's</p> <p>11 personal attorney.</p> <p>12 Q. And did you do any research of</p> <p>13 Mr. Boland before retaining him as an attorney?</p> <p>14 A. No. Mr. Warner's attorney did so.</p> <p>15 Q. I'm sorry?</p> <p>16 A. Mr. Warner's attorney researched. I did</p> <p>17 not.</p> <p>18 Q. And who is Mr. Warner's attorney that</p> <p>19 you're referring to?</p> <p>20 A. Greg Scandaglia.</p> <p>21 Q. Have you ever had your deposition taken</p> <p>22 before?</p> <p>23 A. Yes.</p> <p>24 Q. How many times?</p>
<p style="text-align: right;">Page 10</p> <p>1 Do you understand that?</p> <p>2 A. Yes.</p> <p>3 Q. Now, if you make changes to the</p> <p>4 transcript, I will be able to comment on those</p> <p>5 changes at trial, okay?</p> <p>6 A. Okay.</p> <p>7 Q. We can take breaks during the</p> <p>8 deposition. If you need to take a break, let me</p> <p>9 know. But we can't take a break while a question</p> <p>10 is pending. This means that if I ask a question,</p> <p>11 you must answer the question before we can take a</p> <p>12 break, okay?</p> <p>13 A. Okay.</p> <p>14 Q. And if you answer a question, that means</p> <p>15 that you both understand it and are answering it</p> <p>16 truthfully, okay?</p> <p>17 MR. BOLAND: Object to the form.</p> <p>18 You may answer.</p> <p>19 BY THE WITNESS:</p> <p>20 A. Okay.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. Well, if you answer a question, that</p> <p>23 means that you understood the question, okay?</p> <p>24 MR. BOLAND: Same objection.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Once.</p> <p>2 Q. And what case was that?</p> <p>3 A. It was for a case against Montecito Club</p> <p>4 in Santa Barbara.</p> <p>5 Q. And were you a plaintiff or defendant or</p> <p>6 something else in that case?</p> <p>7 A. Defendant.</p> <p>8 Q. And what is your connection to --</p> <p>9 A. Oh --</p> <p>10 Q. -- Montecito?</p> <p>11 A. -- I'm sorry. I need to correct. We're</p> <p>12 the plaintiff.</p> <p>13 Q. You were the plaintiff?</p> <p>14 A. Yes.</p> <p>15 MR. BOLAND: Object to the form.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. And why were -- why were you suing</p> <p>18 Montecito?</p> <p>19 A. No, I don't remember the -- I believe it</p> <p>20 was Mr. Root. We were Montecito Country Club. I</p> <p>21 was representing as a corporate officer of the</p> <p>22 club, and it was a lawsuit against Mr. Root.</p> <p>23 Q. And what is the corporate name for the</p> <p>24 Montecito Country Club?</p>

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<p style="text-align: right;">Page 13</p> <p>1 MR. BOLAND: Objection, vague. 2 BY THE WITNESS: 3 A. It's Montecito Club, Montecito Country 4 Club. 5 BY MR. BRUSTEIN: 6 Q. And who owns the Montecito Country Club? 7 A. Montecito Country Club Property, LLC. 8 Q. And who owns Montecito Country Club, 9 LLC? 10 MR. BOLAND: Objection. 11 BY THE WITNESS: 12 A. I -- I don't know the complex legal 13 entity structure. It is -- there's many legal 14 structures, and it indirectly leads up to 15 Mr. Warner. 16 BY MR. BRUSTEIN: 17 Q. When was that prior deposition? 18 A. I believe it was either end of 2021 19 or -- or 2022 or earlier in 2023. 20 Q. And is that case still pending? 21 A. Yes. To my knowledge, yes. 22 Q. What was the basis for that lawsuit? 23 A. It was easement encroachment. 24 Q. Now, you said that there were other</p>	<p style="text-align: right;">Page 15</p> <p>1 A. I worked for Mr. Warner for about six 2 years, a little over six years now. 3 Q. And how long have you known him? 4 A. I met him probably back in the mid 5 2000s. 6 Q. When you say mid 2000s, is that like 7 2005? 8 A. Yes. I don't know the exact year. 9 Q. How did you come to meet? 10 A. I met him at my parents' place of 11 business. He was a customer. 12 Q. And what is your parents' place of 13 business? 14 A. They have a dry cleaners. 15 Q. And were you working at that dry 16 cleaners when you met him? 17 A. Yes. I was visiting and working. 18 Q. What was your job at the dry cleaners 19 when you met him? 20 A. I was not an official employee there. I 21 was just stopping in to help out from time to time. 22 Q. What type of tasks did you do to help 23 out at the dry cleaners when you met Mr. Warner? 24 A. I worked at the front receiving</p>
<p style="text-align: right;">Page 14</p> <p>1 legal entities involved in -- in the ownership of 2 that company. Are you an officer in each one of 3 those legal entities? 4 A. Yes. 5 Q. How many of those legal entities are you 6 an officer? 7 A. I would estimate about 30 to 40 legal 8 entities. I don't know the exact count. 9 Q. And when you say 30 to 40 legal 10 entities, is that just related to the Montecito 11 Country Club or is that for all Ty Warner-related 12 companies? 13 A. All Ty Warner-related companies. 14 Q. And do you have the same title in each 15 one of the Ty Warner-related companies or different 16 titles? 17 A. Same title. 18 Q. And what title is that? 19 A. Vice president/treasurer/secretary. 20 Q. So you have three titles in each one of 21 those corporate entities? 22 A. It's vice president slash secretary 23 slash treasurer. 24 Q. How long have you known Ty Warner?</p>	<p style="text-align: right;">Page 16</p> <p>1 customers. 2 Q. Now, you said that you were a VP in 3 these companies. Are you the VP of finance for the 4 30 or 40 companies that you work with in connection 5 with Mr. Warner, or something else? 6 A. My officer title for all the companies 7 is vice president/treasurer/secretary. I am the 8 chief financial officer for Ty Warner Hotels &amp; 9 Resorts, but I'm also the vice 10 president/secretary/treasurer of Ty Warner Hotels &amp; 11 Resorts. 12 Q. Do you -- do you have other titles for 13 the companies that you work for besides your 14 official title? 15 MR. BOLAND: Objection, vague. 16 You can answer. 17 BY THE WITNESS: 18 A. No. 19 BY MR. BRUSTEIN: 20 Q. Are you the VP of finance or chief 21 financial officer for any other companies besides 22 Ty Warner Hotels &amp; Resorts? 23 A. To be clear, I'm the chief financial 24 officer for Ty Warner Hotels &amp; Resorts, and I'm the</p>

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<p style="text-align: right;">Page 17</p> <p>1 vice president, not vice president of finance, of</p> <p>2 all the other --</p> <p>3 Q. Thank you for --</p> <p>4 A. -- legal entities.</p> <p>5 Q. Thank you for clarifying.</p> <p>6 Have you ever testified as a witness</p> <p>7 outside of the one deposition?</p> <p>8 A. No.</p> <p>9 Q. Now, you said that you were involved in</p> <p>10 that other lawsuit as an officer. Were you</p> <p>11 involved in the decision to bring that lawsuit?</p> <p>12 A. No.</p> <p>13 Q. What is your involvement in that lawsuit</p> <p>14 other than as an officer? Did you have any</p> <p>15 connection other than being deposed?</p> <p>16 A. No.</p> <p>17 Q. Have you ever been convicted of a crime?</p> <p>18 A. No.</p> <p>19 Q. What e-mail address or addresses do you</p> <p>20 use?</p> <p>21 A. My work e-mail address is</p> <p>22 chwang@tymail.com.</p> <p>23 Q. Do you have any e-mail addresses for any</p> <p>24 of the other entities that you are a VP or</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. Facebook?</p> <p>2 A. No.</p> <p>3 Q. Apart from the case that you were</p> <p>4 deposed in, have you been involved in -- and your</p> <p>5 deposition here today, have you had any involvement</p> <p>6 in any other litigation involving Mr. Warner or his</p> <p>7 entities?</p> <p>8 A. No.</p> <p>9 Q. Is there any condition, either mental,</p> <p>10 medical or physical, that would impair your ability</p> <p>11 to testify truthfully today?</p> <p>12 A. No.</p> <p>13 Q. Are you taking medication of any kind</p> <p>14 that would impair your ability to testify</p> <p>15 truthfully today?</p> <p>16 A. No.</p> <p>17 Q. And is there any medication that you</p> <p>18 should have taken that you haven't taken in the</p> <p>19 last 24 hours that would impair your ability to</p> <p>20 testify truthfully?</p> <p>21 A. No.</p> <p>22 Q. And have you taken any drugs or alcohol</p> <p>23 in the last 24 hours?</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 18</p> <p>1 secretary/treasurer?</p> <p>2 A. I may be assigned to another e-mail</p> <p>3 address for Montecito Country Club, but that's all</p> <p>4 forwarded to my tymail.com address.</p> <p>5 Q. Do you have any personal e-mail</p> <p>6 addresses that you use for any non-personal</p> <p>7 purposes, such as communicating with Mr. Warner?</p> <p>8 A. No.</p> <p>9 Q. Do you have -- how many cell phones do</p> <p>10 you have?</p> <p>11 A. One personal cell phone and one work</p> <p>12 cell phone.</p> <p>13 Q. And do you do any business on your</p> <p>14 personal cell phone?</p> <p>15 A. No.</p> <p>16 Q. Does Mr. Warner have your personal cell</p> <p>17 phone number?</p> <p>18 A. I don't believe so.</p> <p>19 Q. Do you have any social media presence?</p> <p>20 A. No.</p> <p>21 Q. Are you on LinkedIn?</p> <p>22 A. No.</p> <p>23 Q. How come?</p> <p>24 A. I just choose not to be.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Did you review any documents to prepare</p> <p>2 for today's deposition?</p> <p>3 MR. BOLAND: Objection. That's a yes or no</p> <p>4 question.</p> <p>5 MR. BRUSTEIN: I don't believe that that's a</p> <p>6 proper objection.</p> <p>7 MR. BOLAND: Well, it's the objection I'm</p> <p>8 making. It's a yes or no question, and then we'll</p> <p>9 get into things. It's a yes or no for right now.</p> <p>10 You can answer.</p> <p>11 MR. BRUSTEIN: You cannot -- Mr. Boland, we</p> <p>12 are very early on, and the question was did you</p> <p>13 review anything. We do not need you to narrate the</p> <p>14 questions.</p> <p>15 You have already interfered by answering</p> <p>16 for Ms. Hwang as to how she would like to be</p> <p>17 referred, which she's already shown she's capable</p> <p>18 as a witness to answer the questions, and I would</p> <p>19 ask that you please not interfere.</p> <p>20 MR. BOLAND: It's a yes or no question.</p> <p>21 You may -- you may answer.</p> <p>22 MR. BRUSTEIN: There are no speaking</p> <p>23 objections and stop coaching the witness.</p> <p>24 MR. BOLAND: I'm not coaching the witness,</p>



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<p style="text-align: right;">Page 21</p> <p>1 counsel. I'm protecting privilege. There's a 2 privilege line that could be breached here, and I'm 3 allowing her to go into it slowly. That's all. 4 You can get your answers. If you could please -- 5 MR. BRUSTEIN: Excuse me, I would just ask for 6 clarification from the videographer if Mr. Boland 7 is also on camera for this deposition. 8 THE VIDEOGRAPHER: He is not on camera. 9 MR. BRUSTEIN: I would ask that he be part of 10 the video camera recording for this. It appears 11 that he wants to continue speaking in an improper 12 way, and I'd like that to be captured for the 13 record. 14 MR. BOLAND: I think I'm captured, but that's 15 fine. Go ahead. 16 BY MR. BRUSTEIN: 17 Q. Did you review any documents to prepare 18 for today's deposition? 19 A. Yes. 20 Q. What documents did you review? 21 MR. BOLAND: Okay. I'm going to object as 22 privileged only to the extent that you reviewed 23 documents provided to you by counsel or with 24 counsel.</p>	<p style="text-align: right;">Page 23</p> <p>1 A. I reviewed documents prior to today's 2 deposition. But -- 3 BY MR. BRUSTEIN: 4 Q. And -- 5 A. -- it was really in preparation for what 6 was supposed to be scheduled for today, my 7 deposition as the corporate representative. 8 So the question is a little unclear to 9 me. 10 Q. And when you say as corporate 11 representative, are you referring to a 30(b)(6) 12 deposition? 13 A. Yes. 14 Q. Outside of -- and did any of those 15 documents refresh your recollection? 16 A. Some e-mails. 17 Q. Which e-mails refreshed your 18 recollection? 19 A. Just some e-mails exchanged between 20 myself and Four Seasons corporate. 21 Q. And did anything else refresh your 22 recollection other than e-mails? 23 A. No. 24 Q. Now --</p>
<p style="text-align: right;">Page 22</p> <p>1 If you did a review of documents outside 2 of that that was with counsel or provided by 3 counsel, please feel free to answer the question. 4 The other one is privileged. 5 MR. BRUSTEIN: That's actually not how you 6 actually spoke in a recorded deposition where you 7 said it was completely fair game as long as it 8 wasn't asked where she got the source. So I 9 understand that you feel very differently when 10 you're asking questions and taking depositions and 11 defending them, but there's a record for a reason. 12 MR. BOLAND: What you said was just not even 13 close to being true. 14 You may proceed. 15 BY MR. BRUSTEIN: 16 Q. Ms. Hwang -- Ms. Hwang, I'm not asking 17 you if Mr. Boland or any other attorney provided 18 documents to you. I'm simply asking if you 19 reviewed any documents to prepare for today's 20 deposition. 21 MR. BOLAND: Oh, I think she answered. 22 Objection, asked and answered. 23 You can answer again. 24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 24</p> <p>1 A. May I take a break? 2 Q. -- did you graduate from college? 3 A. May I take a break? 4 Q. You want to take a break? 5 A. Yes. 6 Q. We can take a break. 7 A. Okay. 8 Q. How long do you need? 9 A. Just five minutes. Would that be okay? 10 Q. Not a problem. 11 THE VIDEOGRAPHER: We are -- 12 BY MR. BRUSTEIN: 13 Q. Do you want to come back at 10:31? Or, 14 I guess, 9:31 for you. 15 A. Okay. 16 THE VIDEOGRAPHER: We are going -- 17 MR. BRUSTEIN: I don't need an hour and five 18 minutes. 19 THE VIDEOGRAPHER: -- off the record at 20 9:26 a.m. 21 (WHEREUPON, a recess was had.) 22 THE VIDEOGRAPHER: We are going back on the 23 record at 9:31 a.m. 24 MR. BOLAND: Did you want to clarify</p>

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<p style="text-align: right;">Page 25</p> <p>1 something?</p> <p>2 THE WITNESS: Yes. I'd like to clarify a</p> <p>3 statement I made earlier.</p> <p>4 You asked if I was involved in any</p> <p>5 litigation. Just for completeness, I would like to</p> <p>6 state that I personally, as an individual, am not</p> <p>7 involved in any litigation. However, as a</p> <p>8 corporate officer, there's some legal matters that</p> <p>9 I am involved in.</p> <p>10 BY MR. BRUSTEIN:</p> <p>11 Q. Thank you for pointing that out.</p> <p>12 What legal matters are you involved in</p> <p>13 as a corporate officer?</p> <p>14 A. There's an open lawsuit against a</p> <p>15 general contractor for installation of wallpaper at</p> <p>16 Four Seasons Hotel New York.</p> <p>17 Q. And what corporate entity are you acting</p> <p>18 as a corporate officer in that litigation?</p> <p>19 A. Hotel 57, LLC.</p> <p>20 Q. And what is your corporate officer title</p> <p>21 for Hotel 57, LLC?</p> <p>22 A. Vice president/treasurer/secretary.</p> <p>23 Q. And what is your involvement as a</p> <p>24 corporate officer in that litigation?</p>	<p style="text-align: right;">Page 27</p> <p>1 A. He discussed it with his attorney, Greg</p> <p>2 Scandaglia.</p> <p>3 Q. After he discussed it with -- well,</p> <p>4 without discussing any conversations he had with</p> <p>5 his attorney, did you have conversations with</p> <p>6 Mr. Warner about proceeding with litigation</p> <p>7 involving wallpaper?</p> <p>8 A. I don't recall.</p> <p>9 Q. Well, was there any conversation had</p> <p>10 before you ended up being the one responsible for</p> <p>11 the wallpaper litigation for Hotel 57, LLC?</p> <p>12 A. My conversation was through counsel.</p> <p>13 Q. So you never spoke to Mr. Warner about</p> <p>14 the decision to file or not file a lawsuit over</p> <p>15 wallpaper?</p> <p>16 A. There were discussions about the</p> <p>17 wallpaper matter, but I don't recall if I spoke to</p> <p>18 him exactly about his decision.</p> <p>19 Q. And when was the wall -- do you mind if</p> <p>20 we refer to that as the wallpaper lawsuit?</p> <p>21 A. Sure.</p> <p>22 Q. When was the wallpaper lawsuit filed?</p> <p>23 A. I don't know the exact date.</p> <p>24 Q. Was it in the six years that you were</p>
<p style="text-align: right;">Page 26</p> <p>1 A. My -- my knowledge is institutional and</p> <p>2 just rep -- just acting as a corporate officer and</p> <p>3 owner's representative.</p> <p>4 Q. Are you the point person for that</p> <p>5 litigation for Hotel 57, LLC?</p> <p>6 A. Can you clarify your question?</p> <p>7 Q. Are you the person acting on behalf of</p> <p>8 Hotel 57, LLC, as the corporate officer to make</p> <p>9 sure that litigation is handled properly?</p> <p>10 A. Yes.</p> <p>11 Q. And were you involved in the decision to</p> <p>12 file that lawsuit?</p> <p>13 A. The owner made that decision to file the</p> <p>14 lawsuit.</p> <p>15 Q. And who's the owner that made that</p> <p>16 decision?</p> <p>17 MR. BOLAND: Objection, vague.</p> <p>18 BY THE WITNESS:</p> <p>19 A. I'm sorry. I'd like to state that it</p> <p>20 was Mr. Warner.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. And were you involved in conversations</p> <p>23 with Mr. Warner about the decision to file that</p> <p>24 lawsuit about the wallpaper?</p>	<p style="text-align: right;">Page 28</p> <p>1 working as a corporate officer for Mr. Warner's</p> <p>2 companies?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know if it was before or after</p> <p>5 March of 2020?</p> <p>6 A. Yes, it was after.</p> <p>7 Q. Is it still going on?</p> <p>8 A. Yes.</p> <p>9 Q. And where did you file that lawsuit?</p> <p>10 MR. BOLAND: Objection, vague.</p> <p>11 Just, counsel, are -- the "you," are you</p> <p>12 referring to Ms. Hwang personally?</p> <p>13 MR. BRUSTEIN: No, I'm referring to her in her</p> <p>14 corporate officer role, but if she's a -- she's in</p> <p>15 charge of the litigation for Hotel 57, LLC.</p> <p>16 MR. BOLAND: Okay. So I'm going to object.</p> <p>17 MR. BRUSTEIN: So --</p> <p>18 MR. BOLAND: It's still value, use of the</p> <p>19 term.</p> <p>20 You can answer.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I believe it's in the state of New York.</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. And is that state or federal court?</p>



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<p style="text-align: right;">Page 29</p> <p>1 A. I don't know.</p> <p>2 Q. And did you review the complaint before</p> <p>3 it was filed in court?</p> <p>4 A. Yes.</p> <p>5 Q. And did you make sure that everything in</p> <p>6 that complaint was accurate before starting a</p> <p>7 lawsuit on behalf of Hotel 57, LLC?</p> <p>8 A. Yes.</p> <p>9 Q. And was it all accurate?</p> <p>10 A. Yes.</p> <p>11 Q. You said legal matters. Were there</p> <p>12 other legal matters that you were involved in</p> <p>13 besides the wallpaper lawsuit?</p> <p>14 A. Myself as an individual, no.</p> <p>15 Q. As a corporate officer, were there other</p> <p>16 legal matters that you were involved in?</p> <p>17 A. Yes.</p> <p>18 Q. How many others?</p> <p>19 A. I don't know exactly.</p> <p>20 Q. More or less than five?</p> <p>21 A. Less than five.</p> <p>22 Q. What -- and is that less than five</p> <p>23 including the wallpaper lawsuit?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 31</p> <p>1 A. I don't know if the legal -- if the</p> <p>2 legal entity is the same, but I believe so.</p> <p>3 MR. BRUSTEIN: Mr. Boland, I'm going to ask</p> <p>4 you to limit your objections to "objection." There</p> <p>5 are not speaking objections, and I believe that</p> <p>6 you're aware of that.</p> <p>7 MR. BOLAND: I'm not speaking. I'm just</p> <p>8 providing a legal basis. That's all.</p> <p>9 MR. BRUSTEIN: And that is not necessary.</p> <p>10 Some might call it coaching, and I'd rather not</p> <p>11 involve the court, but you can certainly continue</p> <p>12 to object.</p> <p>13 MR. BOLAND: I will object as I see</p> <p>14 appropriate under the rules in the Federal Rules of</p> <p>15 Civil Procedure, counsel. Thank you.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. Now, when you say that Ty Warner Hotels</p> <p>18 &amp; Resorts sued to terminate the management</p> <p>19 agreement, what does that mean?</p> <p>20 A. Ty Warner Hotels &amp; Resorts wished to</p> <p>21 terminate its agreement with Four Seasons as the</p> <p>22 operator of the hotel.</p> <p>23 Q. And when did Ty Warner Hotels &amp; Resorts</p> <p>24 initiate that lawsuit?</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. And is that including this case?</p> <p>2 A. Yes.</p> <p>3 Q. So what is another lawsuit that you're</p> <p>4 involved in as a corporate officer?</p> <p>5 A. There's a -- there's a termination that</p> <p>6 has been filed with Four Seasons.</p> <p>7 Q. When you say "termination," what does</p> <p>8 that mean?</p> <p>9 A. Termination of management agreement.</p> <p>10 Q. And who initiated that lawsuit?</p> <p>11 A. Ty Warner Hotels &amp; Resorts.</p> <p>12 Q. And who did Ty Warner Hotels &amp; Resorts</p> <p>13 initiate a termination of management agreement</p> <p>14 with?</p> <p>15 A. Can you clarify your question?</p> <p>16 Q. Did Ty Warner Hotels &amp; Resorts sue</p> <p>17 someone or a company or legal entity to terminate a</p> <p>18 management agreement?</p> <p>19 A. Four Seasons.</p> <p>20 Q. Is that the same Four Seasons as in this</p> <p>21 lawsuit?</p> <p>22 MR. BOLAND: Objection, vague.</p> <p>23 You can answer.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 32</p> <p>1 A. I believe it was either 2021 or '22.</p> <p>2 Q. And when in 2021 do you believe it was?</p> <p>3 MR. BOLAND: Object to the form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I don't recall.</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. Why does Ty Warner Hotels &amp; Resorts want</p> <p>8 to terminate or end the contract with Four Seasons?</p> <p>9 A. Ty Warner Hotels &amp; Resorts believes that</p> <p>10 operator's interests are not aligned with</p> <p>11 ownership.</p> <p>12 Q. Now, what hotel or hotels are the</p> <p>13 management agreements at issue in that lawsuit?</p> <p>14 MR. BOLAND: Object to the form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. The two hotels would be Four Seasons</p> <p>17 Hotel New York and Four Seasons Resort Santa</p> <p>18 Barbara.</p> <p>19 BY MR. BRUSTEIN:</p> <p>20 Q. Is Ty Warner Hotels &amp; Resorts -- when</p> <p>21 did you -- withdrawn.</p> <p>22 Do you believe that the operator of Four</p> <p>23 Seasons Hotel New York has violated the management</p> <p>24 agreement?</p>

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<p style="text-align: right;">Page 33</p> <p>1 MR. BOLAND: Objection, foundation. 2 You can answer. 3 MR. BRUSTEIN: We're going to have to call the 4 court if you keep coaching. 5 MR. BOLAND: I'm not coaching the witness, 6 counsel. I'm just making an objection, and she can 7 answer as she sees fit. 8 MR. BRUSTEIN: You cannot comment on the 9 question form. You can object. That's it. 10 MR. BOLAND: Have you ever made an objection 11 in court, counsel? 12 You may answer. 13 BY THE WITNESS: 14 A. Can you repeat your question? 15 BY MR. BRUSTEIN: 16 Q. Do you believe that the operator has 17 violated the hotel management agreement with 18 respect to Four Seasons Hotel New York? 19 MR. BOLAND: Same objection. 20 You can answer. 21 BY THE WITNESS: 22 A. Yes. 23 BY MR. BRUSTEIN: 24 Q. How do you believe that they have</p>	<p style="text-align: right;">Page 35</p> <p>1 Q. Did anyone? 2 A. The -- I'll let you finish the question. 3 Q. No, no, no, please. With Zoom, it can 4 be confusing. So I don't mean to cut you off. 5 A. But my predecessor, the former chief 6 financial officer, however, she did. 7 Q. What was her name? 8 A. Donna Snopek. 9 Q. When did she leave the company or 10 companies? 11 A. 2019. 12 Q. Do you know why she left? 13 A. I don't know any reasons for her 14 termination. 15 Q. She was terminated? 16 A. Yes. 17 Q. And who terminated her employment? 18 A. Mr. Warner. 19 Q. Who? 20 A. The decision to terminate her was 21 Mr. Warner, but I -- an attorney was hired to 22 handle the termination personally. 23 Q. Did she work in more than ten companies 24 or corporate entities for Mr. Warner?</p>
<p style="text-align: right;">Page 34</p> <p>1 violated it? 2 A. I don't believe that Four Seasons was 3 acting as an agent in the best interests of the 4 ownership. 5 Q. By doing what? 6 A. An agent has a duty to maximize the 7 hotel's profitability, and that was not the case. 8 Q. What -- when did you first believe that 9 the operator, Four Seasons, was not doing its duty 10 to maximize profits for the owner? 11 A. I need you to clarify if you mean my 12 belief as an individual. 13 Q. Sure. As an individual, when did you 14 first believe? 15 A. 2017. 16 Q. And why do you believe the interests are 17 not aligned? 18 A. Upon review of financials, I do not 19 believe that the assets for the hotel is being 20 managed properly and the expenses are higher than 21 it should be. 22 Q. And did you raise these concerns to the 23 Four Seasons back in 2017? 24 A. I, myself, did not.</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Yes. 2 Q. And was she terminated from all of those 3 corporate entities at the same time? 4 A. Yes. 5 Q. Prior to her termination, did she have 6 the same title in each one of those corporate 7 entities? 8 A. Yes. 9 Q. What was her corporate title back then? 10 MR. BOLAND: Objection. 11 BY THE WITNESS: 12 A. Her corporate officer title was the same 13 as mine, vice president/treasurer/secretary. 14 BY MR. BRUSTEIN: 15 Q. You testified that you've been working 16 for Mr. Warner for approximately six years, I 17 believe; is that correct? 18 A. Yes. 19 Q. So did you and Ms. Snopek share the same 20 title prior to her termination? 21 A. No. 22 Q. What was your title prior to her 23 termination? 24 A. Can you repeat the question?</p>

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<p style="text-align: right;">Page 37</p> <p>1 Q. Prior to Ms. Snopek's termination in 2 2019, what title or titles did you have for the 3 Warner entities? 4 A. I was not an officer of Warner entities. 5 Q. What was your position in the companies 6 prior to her 2019 termination? 7 A. I was the senior financial analyst for 8 Ty Warner Hotels &amp; Resorts. 9 Q. Did you work for the other corporate 10 entities or just Ty Warner Hotels &amp; Resorts back 11 before Ms. Snopek was terminated? 12 A. I worked for Ty Warner Hotels &amp; Resorts. 13 Q. So you have only been a corporate 14 officer for approximately 30 Warner entities since 15 2019? 16 A. Since 2020. 17 Q. When in 2020 did you become a corporate 18 officer for approximately 30 of Mr. Warner's 19 entities? 20 A. I don't recall. 21 Q. Did you have to apply to get this 22 promotion? 23 A. No. 24 Q. Who promoted you to corporate officer</p>	<p style="text-align: right;">Page 39</p> <p>1 the day-to-day operations of those 30 to 40 2 entities before you were appointed an officer in 3 them? 4 A. I -- I supported Ms. Snopek, and I was 5 involved in communication with some of the entities 6 and some of the businesses. 7 Q. Can you name all of the corporate 8 entities that you're an officer in? 9 A. I can't name them off the top of my 10 head. 11 Q. How many can you name? 12 A. Maybe about ten. 13 Q. Why don't you name the ten that you can 14 recall being a corporate officer of. 15 A. Ty Warner Hotels &amp; Resorts; Hotel 57, 16 LLC; 1260 BB Property, LLC; San Ysidro BB Property, 17 LLC; Montecito Club Property, LLC; A Fairway 18 Property, LLC; Sandpiper Golf Course or Golf Club 19 Property, LLC; Hot Springs, LLC; Tell Road, LLC; TY 20 Mex, LLC. 21 I believe that's ten. 22 Q. Do you remember any others? 23 A. It's a complex legal structure. It 24 would take me a while to jog my memory on all legal</p>
<p style="text-align: right;">Page 38</p> <p>1 for the 30 to 40 Warner entities? 2 MR. BOLAND: Object to the form. 3 BY THE WITNESS: 4 A. Mr. Warner. 5 BY MR. BRUSTEIN: 6 Q. Did he discuss each one of the entities 7 individually with you or collectively? 8 A. He did not discuss them individually 9 with me. 10 Q. Did you know that you were going to be 11 corporate officer for 30 to 40 different entities? 12 A. Yes. 13 Q. How did you come to learn that you would 14 be a corporate officer for 30 to 40 corporate 15 entities? 16 A. I was appointed as replacement for Donna 17 Snopek. 18 Q. Did you have any knowledge of the 30 to 19 40 entities before you were appointed a corporate 20 officer in each one of them? 21 A. Yes. I was aware that she was the 22 legal, or the officer of all the legal entities, 23 the 30 to 40 legal entities. 24 Q. But did you have involvement in any of</p>	<p style="text-align: right;">Page 40</p> <p>1 entities. 2 Q. Are you a corporate officer for more 3 than a hundred Warner entities? 4 A. No. 5 Q. I'm sorry, did you say no? 6 A. No. 7 Q. Now, for the corporate entities that you 8 named, do they all have employees? 9 A. No. 10 Q. Of the ones that you named, which ones 11 have actual employees? 12 MR. BOLAND: Object to the form. 13 BY THE WITNESS: 14 A. I believe all of them do except for 15 Hotel 57, LLC. 16 BY MR. BRUSTEIN: 17 Q. Hotel 57, LLC, has zero employees? 18 A. I believe all the entity -- all the 19 employees are in -- under a different legal entity. 20 Q. And what's the front legal entity? 21 A. Hotel 57 Services, LLC. 22 Q. And how many employees does Hotel 57 23 Services, LLC, have? 24 A. I don't know.</p>

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<p style="text-align: right;">Page 41</p> <p>1 Q. Back in January of 2020, how many 2 employees did Hotel 57 Services have? 3 A. I don't know the exact number. 4 Q. Was it more or less than 500? 5 A. I would have to guess. If I was to 6 guess, I would say it was more than 500. 7 THE VIDEOGRAPHER: Mr. Brustein -- 8 BY MR. BRUSTEIN: 9 Q. As a corporate officer, is it important 10 to know the number of employees? 11 MR. BOLAND: Object to the form. 12 BY THE WITNESS: 13 A. There's seasonality in these businesses. 14 The number of employees vary. 15 THE REPORTER: Mr. Brustein, the videographer 16 needs you. 17 MR. BRUSTEIN: Okay. 18 THE VIDEOGRAPHER: Okay. Mr. Brustein, I just 19 want to get on the record. My boss wanted me to 20 clarify for you that this is okay with the two of 21 you -- he says it's prejudiced by the jury having 22 the guy in the shot, having the opposing attorney 23 in the shot. I just want to make sure for the last 24 time -- this is the last time I will ask you,</p>	<p style="text-align: right;">Page 43</p> <p>1 MR. BOLAND: Object to the form. 2 BY THE WITNESS: 3 A. As I indicated, I don't know the exact 4 number of employees. This is just a guess that I'm 5 giving you. 6 BY MR. BRUSTEIN: 7 Q. And what's that based on? 8 A. Based on my previous experience, 9 reviewing metrics and the performance of the hotel. 10 Q. Now, where did you go to college? 11 A. I went to University of Illinois at 12 Chicago. 13 Q. And did you graduate? 14 A. Yes. 15 Q. What did you graduate with a degree in? 16 A. Accounting. 17 Q. And what year did you graduate? 18 A. 2001. 19 Q. And where did you work after -- and did 20 you get any degrees after graduating from college? 21 A. Yes. 22 Q. What other degrees? 23 A. Master's in accounting. 24 Q. And when did you get that degree?</p>
<p style="text-align: right;">Page 42</p> <p>1 everything is good? The shot has both of them in 2 it. I just -- 3 MR. BRUSTEIN: We can have Ms. Hwang in the -- 4 in the shot by herself. 5 THE VIDEOGRAPHER: Okay. Give me just a 6 second. 7 We are -- can we go off and I'll reframe 8 it. 9 We are going off the record at 9:57 a.m. 10 (WHEREUPON, discussion was had 11 off the record.) 12 THE VIDEOGRAPHER: We are going back on the 13 record at 9:58 a.m. 14 BY MR. BRUSTEIN: 15 Q. Now, you said that it's seasonal. At 16 the high time for Hotel 57 Services, LLC, how you 17 many employees do you estimate that they had back 18 in January of 2020? 19 A. Over 500. 20 Q. And at the low time back in January 2020 21 for, you know, November 2019, you know, New Year's 22 happens to be high time, so in November 2019, what 23 was the low point of employees at Hotel 57 24 Services, LLC?</p>	<p style="text-align: right;">Page 44</p> <p>1 A. 2002. 2 Q. And where did you get that degree? 3 A. University of Illinois Chicago. 4 Q. And where did you work after graduating 5 with your Master's. 6 A. ConAgra Foods. 7 Q. I'm sorry? 8 A. ConAgra Foods. 9 Q. What position did you hold for that 10 company? 11 A. Staff accountant. 12 Q. And did you get any degrees after your 13 Master's in accounting? 14 A. No. 15 Q. How long did you work as the accountant 16 for ConAgra Foods? 17 A. About two years. 18 Q. Why did you stop working? 19 A. The company was going through some 20 transition, and I left to seek opportunity 21 elsewhere. 22 Q. And so what opportunity did you seek 23 next? 24 A. I went to work for Nicor Gas.</p>

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<p style="text-align: right;">Page 45</p> <p>1 Q. And what's that?</p> <p>2 A. That's a gas utility company.</p> <p>3 Q. What did you do for them?</p> <p>4 A. I was a staff accountant.</p> <p>5 Q. And how big of a company is that?</p> <p>6 A. It provides gas for Northern Illinois.</p> <p>7 It's large.</p> <p>8 Q. And how long did you work for them?</p> <p>9 A. Seven years.</p> <p>10 Q. And why did you stop working there?</p> <p>11 A. It was acquired by another company, and</p> <p>12 the corporate function was being transitioned to</p> <p>13 its headquarters out of state.</p> <p>14 Q. And then where did you go?</p> <p>15 A. I went to work at Navistar.</p> <p>16 Q. And what did you do for Navistar?</p> <p>17 A. I was a financial analyst.</p> <p>18 Q. And how long did you work for them?</p> <p>19 A. Two years.</p> <p>20 Q. And then what did you do?</p> <p>21 A. I went to work for TransUnion.</p> <p>22 Q. And what did you do for TransUnion?</p> <p>23 A. I was a senior financial analyst.</p> <p>24 Q. And how long did you work there?</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. What was your relationship like with</p> <p>2 Mr. Warner back in the early 2000s?</p> <p>3 A. There was no relationship. I was</p> <p>4 introduced to him.</p> <p>5 Q. Who introduced you to him?</p> <p>6 A. My mother.</p> <p>7 Q. Did you get his phone number when she</p> <p>8 introduced you to him?</p> <p>9 A. No.</p> <p>10 Q. Did you exchange e-mails with Mr. Warner</p> <p>11 when your mother introduced him?</p> <p>12 A. No.</p> <p>13 Q. Did you ever see Mr. Warner outside of</p> <p>14 your parents' store?</p> <p>15 A. No.</p> <p>16 Q. How many times did you see Mr. Warner at</p> <p>17 your parents' store?</p> <p>18 A. Maybe three times.</p> <p>19 Q. So why did he contact you more than a</p> <p>20 decade later?</p> <p>21 MR. BOLAND: Objection, foundation.</p> <p>22 BY THE WITNESS:</p> <p>23 A. He was sharing, and he asked me what I</p> <p>24 did. And I said I work for -- I'm a financial</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Three years.</p> <p>2 Q. And then where did you go?</p> <p>3 A. I went to ConAgra Foods.</p> <p>4 Q. Is that the same ConAgra Foods that you</p> <p>5 had been at initially?</p> <p>6 A. Yes.</p> <p>7 Q. Why did you go back to them?</p> <p>8 A. It was moving its headquarters back to</p> <p>9 Chicago.</p> <p>10 Q. And so what year was it that you went</p> <p>11 back to ConAgra Foods?</p> <p>12 A. 2016.</p> <p>13 Q. And how long did you work there --</p> <p>14 A. Three months.</p> <p>15 Q. -- the second time?</p> <p>16 Why only three months?</p> <p>17 A. Mr. Warner approached me with an</p> <p>18 opportunity to work for his company.</p> <p>19 Q. Had you been speaking to Mr. Warner</p> <p>20 since back in early 2000?</p> <p>21 A. No. I was introduced to him in --</p> <p>22 Q. When were you --</p> <p>23 A. -- mid-2000, but I did not speak to him.</p> <p>24 I did not see him for years.</p>	<p style="text-align: right;">Page 48</p> <p>1 analyst. So he just struck up a conversation. It</p> <p>2 was just small talk.</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. That was back in early 2000?</p> <p>5 A. No, in 2016.</p> <p>6 Q. How did you meet him again in 2016?</p> <p>7 A. I was visiting my parents' store, and he</p> <p>8 happened --</p> <p>9 Q. And --</p> <p>10 A. -- to come in.</p> <p>11 Q. I'm sorry. Continue.</p> <p>12 A. What was your question?</p> <p>13 Q. So I asked how you met him in 2016.</p> <p>14 Were you saying that you met him again at your</p> <p>15 parents' store in 2016?</p> <p>16 A. Yes. He happened to just come in to my</p> <p>17 parents' store, and I was there visiting, helping</p> <p>18 out.</p> <p>19 Q. And did he remember you from ten years</p> <p>20 prior?</p> <p>21 A. I don't know.</p> <p>22 Q. Did you remember him?</p> <p>23 A. I knew of him.</p> <p>24 Q. And when you spoke to him in 2016, did</p>



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<p style="text-align: right;">Page 49</p> <p>1 you exchange phone numbers?</p> <p>2 A. He gave me his phone number when he</p> <p>3 offered me a position in his company. I did not</p> <p>4 give him --</p> <p>5 Q. He offered you --</p> <p>6 A. Yes.</p> <p>7 Q. He -- he gave you his phone number in</p> <p>8 your parents' store the first time you saw him back</p> <p>9 in 2016?</p> <p>10 A. Yes.</p> <p>11 MR. BOLAND: Object to the form of that</p> <p>12 question.</p> <p>13 BY MR. BRUSTEIN:</p> <p>14 Q. What number did he give you?</p> <p>15 A. His cell phone number.</p> <p>16 Q. And was that a personal or a business</p> <p>17 phone number?</p> <p>18 A. It's his business phone number.</p> <p>19 Q. And did he offer you a specific position</p> <p>20 in his company?</p> <p>21 A. Financial analyst.</p> <p>22 Q. And did he tell you which company you</p> <p>23 would be working for?</p> <p>24 A. His hotels company.</p>	<p style="text-align: right;">Page 51</p> <p>1 A. Yes.</p> <p>2 Q. So why did you quit your job that you</p> <p>3 had worked for once before to go work for</p> <p>4 Mr. Warner?</p> <p>5 A. It sounded like a great opportunity.</p> <p>6 Q. What did he tell you about the</p> <p>7 opportunity that made it sound great?</p> <p>8 A. He said he needed a financial analyst to</p> <p>9 look over his businesses and review the performance</p> <p>10 of his hotels.</p> <p>11 Q. Were you -- and is that what you did</p> <p>12 once you went to work for Ty Warner Hotels &amp;</p> <p>13 Resorts?</p> <p>14 A. Yes.</p> <p>15 Q. Are you part of the reason that -- or</p> <p>16 the work that you did, the reason that Donna Snopek</p> <p>17 said Four Seasons was not upholding its part of the</p> <p>18 hotel management agreements?</p> <p>19 MR. BOLAND: Object to the form of that</p> <p>20 question.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Can you clarify your question.</p> <p>23 MR. WAGNER: Same objection for me.</p> <p>24 BY MR. BRUSTEIN:</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. And did you know what hotels he owned at</p> <p>2 that point?</p> <p>3 A. He mentioned to me -- he informed me</p> <p>4 that he owned two Four Seasons.</p> <p>5 Q. And which ones did he say?</p> <p>6 A. New York and Santa Barbara.</p> <p>7 Q. And what is Mr. Warner's business phone</p> <p>8 number that he gave you?</p> <p>9 A. Are you asking for his phone number?</p> <p>10 Q. I'm asking you for the business phone</p> <p>11 number that he gave you, yes.</p> <p>12 A. I don't know his phone number by heart.</p> <p>13 It's in my -- it's recorded in my phone.</p> <p>14 Q. Do you know what area code it is?</p> <p>15 A. I believe it's 630.</p> <p>16 Q. All right. We can leave a space in the</p> <p>17 record and when you have an opportunity to review</p> <p>18 the transcript, you can fill that in.</p> <p>19 Now, did he offer you a specific salary</p> <p>20 when he told you that he wanted you to work for his</p> <p>21 company?</p> <p>22 A. No.</p> <p>23 Q. You had just started at a new company</p> <p>24 that you worked for previously, right?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Was your analysis that you conducted as</p> <p>2 a financial analyst for Ty Warner Hotels &amp; Resorts</p> <p>3 part of the basis that Donna Snopek used to claim</p> <p>4 that Four Seasons was not honoring the hotel</p> <p>5 management agreement?</p> <p>6 A. I don't know what Ms. Snopek used.</p> <p>7 Q. Did you make findings as a financial</p> <p>8 analyst about with whether or not Four Seasons was</p> <p>9 honoring the hotel management agreement?</p> <p>10 A. I reviewed the financial results, but I</p> <p>11 didn't indicate one way or the other.</p> <p>12 Q. Did you provide an analysis of the</p> <p>13 financial results?</p> <p>14 MR. BOLAND: Object to the form of that one.</p> <p>15 BY THE WITNESS:</p> <p>16 A. I reported the financial results to</p> <p>17 Ms. Snopek.</p> <p>18 BY MR. BRUSTEIN:</p> <p>19 Q. Did you also provide the results to</p> <p>20 Mr. Warner?</p> <p>21 A. Yes.</p> <p>22 Q. At the time that Mr. Warner hired you,</p> <p>23 did he tell you that he was unhappy with the</p> <p>24 arrangement he had with Four Seasons and the</p>



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<p style="text-align: right;">Page 53</p> <p>1 management of the two Four Seasons properties he 2 owned? 3 A. No. 4 Q. Is Mr. Warner unhappy with the 5 management of the two Four Seasons properties he 6 owns? 7 MR. BOLAND: Objection, foundation. 8 You can answer. 9 BY THE WITNESS: 10 A. I don't know how he feels. 11 BY MR. BRUSTEIN: 12 Q. Have you discussed it with him? 13 A. I have talked to him about the hotel's 14 performance. 15 Q. You testified that as a corporate 16 officer, you initiated litigation to terminate the 17 hotel management agreement against Four Seasons. 18 MR. BOLAND: Objection. I think that 19 misstates her testimony. 20 BY THE WITNESS: 21 A. That's -- that's not what I said. 22 BY MR. BRUSTEIN: 23 Q. Were you involved in the decision to 24 initiate the lawsuit as a corporate officer to</p>	<p style="text-align: right;">Page 55</p> <p>1 more profitable? 2 A. No. 3 Q. So what did he tell you about you, 4 management of the hotel or the Four Seasons 5 managing the hotel? What did he mean by that? 6 MR. BOLAND: I'm going to -- I'm only going to 7 object, counsel, because you keep using the word 8 "you." And I just don't know what you're referring 9 to. I don't think it's clear. 10 MR. BRUSTEIN: Thank you. 11 BY MR. BRUSTEIN: 12 Q. Mr. Warner told you that we need to 13 manage the hotel, right? 14 A. Just to be clear, Four Seasons, as the 15 operator, manages the hotel, and I assess the 16 performance and oversee the operations. But it is 17 Four Seasons who's managing the hotel. 18 Q. But when you spoke to Mr. Warner about 19 your assessments, you said that he told you, tell 20 me if I'm wrong, that we need to manage the hotel. 21 Did I get that right? 22 A. I meant that we need to have the 23 operator improve their management of the hotel's 24 performance. This --</p>
<p style="text-align: right;">Page 54</p> <p>1 terminate the hotel management agreements for the 2 two Four Season properties? 3 A. No. 4 Q. Do you know if Mr. Warner approves of 5 terminating the hotel management agreements for the 6 two Four Season properties? 7 A. Yes. He approved the termination. 8 Q. As someone that did a financial analysis 9 of those two properties, did you discuss your 10 analysis with Mr. Warner before the termination 11 litigation began? 12 A. Yes. 13 Q. What did you tell him? 14 A. To be clear, it wasn't just my analysis. 15 There were other third-party experts who were 16 engaged to assess the hotel's performance. 17 Q. What did you tell him? 18 A. I told him the hotel's not profitable. 19 Q. What did Mr. Warner tell you? 20 A. He said we need to -- to manage the 21 hotel or have Four Seasons manage the hotel, that 22 we stop losing money. 23 Q. Did Mr. Warner tell you that if you 24 manage the hotel without Four Seasons, it could be</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. What did you -- sorry. 2 A. I use the term "we" loosely, because 3 it's Four Seasons, again, managing the hotel's 4 day-to-day operations. 5 Q. What did you do to try and get the Four 6 Seasons to manage the hotel better? 7 A. There was a rate strategy that was 8 implemented under Mr. Warner's direction. 9 Q. When was that? 10 A. I believe it was 2018. 11 Q. Did that satisfy Mr. Warner's concerns 12 about the operation of the Four Seasons Hotel New 13 York? 14 MR. BOLAND: Objection, foundation. 15 You can answer. 16 BY THE WITNESS: 17 A. It satisfied his wish to have a pricing 18 strategy in place. I don't know if it satisfied 19 him overall. 20 BY MR. BRUSTEIN: 21 Q. For purposes of the deposition, can we 22 refer to the Four Seasons Hotel New York as FSNY? 23 A. I think I would prefer to make a 24 distinction and say property level team for the</p>

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<p style="text-align: right;">Page 57</p> <p>1 employees that are actually at the hotel and</p> <p>2 managing the hotel, because there's also a</p> <p>3 distinction with Four Seasons corporate employees</p> <p>4 who are also involved in management of the hotel.</p> <p>5 Q. I'm just talking about the hotel itself,</p> <p>6 the physical --</p> <p>7 A. The hotel itself? You mean the physical</p> <p>8 building?</p> <p>9 Q. Yes, managing the building.</p> <p>10 A. Okay.</p> <p>11 MR. BOLAND: The --</p> <p>12 BY THE WITNESS:</p> <p>13 A. So you want it -- so you want to --</p> <p>14 okay.</p> <p>15 BY MR. BRUSTEIN:</p> <p>16 Q. I'll keep referring to everything as</p> <p>17 Four Seasons Hotel New York. That's fine.</p> <p>18 Now, did Mr. Warner have any more</p> <p>19 complaints about the management of the Four Seasons</p> <p>20 Hotel New York after the price structure was put</p> <p>21 into place?</p> <p>22 MR. BOLAND: Object to the form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. There were rates that he was not</p>	<p style="text-align: right;">Page 59</p> <p>1 know, are located in -- in various states and</p> <p>2 cities. The legal entities do not have individual</p> <p>3 offices.</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. Does Hotel 57, LLC, have a principal</p> <p>6 place of business at 280 Chestnut Ave. in Westmont,</p> <p>7 Illinois?</p> <p>8 MR. BOLAND: Object to the form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. I believe the business address is</p> <p>11 280 Chestnut, Westmont, Illinois.</p> <p>12 Q. And is that the principal place of</p> <p>13 business for Hotel 57, LLC?</p> <p>14 MR. BOLAND: Object to the form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. Yes.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. Hotel 57 Services, LLC, does it have a</p> <p>19 principal place of business at 280 Chestnut Avenue,</p> <p>20 Westmont, Illinois?</p> <p>21 MR. BOLAND: Object to the form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. Yes. Again, the business address for</p> <p>24 Hotel 57, LLC, I believe, is at 280 Chestnut</p>
<p style="text-align: right;">Page 58</p> <p>1 satisfied with as it related to group and corporate</p> <p>2 business.</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. Did he tell you why he wasn't satisfied?</p> <p>5 A. Yes.</p> <p>6 Q. Now, let me back up for a second. Where</p> <p>7 was your office located when you first began</p> <p>8 working for Ty Warner Hotels &amp; Resorts?</p> <p>9 A. 280 Chestnut Avenue, Westmont, Illinois.</p> <p>10 Q. And is that the same principal place of</p> <p>11 business for each of the other corporate entities</p> <p>12 that you're an officer in?</p> <p>13 A. Yes. Ty Warner Hotels &amp; Resorts is</p> <p>14 based in 280 Chestnut Avenue in Westmont, Illinois.</p> <p>15 Q. But you testified that there are about</p> <p>16 30 to 40 corporate entities that you're an officer</p> <p>17 in, right?</p> <p>18 A. Yes.</p> <p>19 Q. Do all of those 30 to 40 entities have</p> <p>20 the same principal place of business as Ty Warner</p> <p>21 Hotels &amp; Resorts?</p> <p>22 MR. BOLAND: Object to the form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. So place of business, as you already</p>	<p style="text-align: right;">Page 60</p> <p>1 Avenue.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. And is it also the principal place of</p> <p>4 business for Hotel 57 Services, LLC?</p> <p>5 MR. BOLAND: Object to the form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. Can you clarify what you mean by</p> <p>8 principal place of business?</p> <p>9 BY MR. BRUSTEIN:</p> <p>10 Q. Have you ever heard that phrase used</p> <p>11 before?</p> <p>12 A. Yes. But I'm not sure if I'm getting</p> <p>13 the distinction.</p> <p>14 Q. Have you ever used that phrase before?</p> <p>15 A. I don't know if I've used that phrase</p> <p>16 before.</p> <p>17 Q. What do you understand that phrase to</p> <p>18 mean?</p> <p>19 A. The business address.</p> <p>20 Q. So is the principal place of business</p> <p>21 for Hotel 57 Services, LLC, 280 Chestnut Ave.,</p> <p>22 Westmont, Illinois?</p> <p>23 MR. BOLAND: Same objection.</p> <p>24 BY THE WITNESS:</p>

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<p style="text-align: right;">Page 61</p> <p>1 A. Yes.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. Why was Mr. Warner not satisfied with</p> <p>4 the pricing structure for Hotel 57 -- for Four</p> <p>5 Seasons Hotel New York?</p> <p>6 MR. BOLAND: Objection, foundation.</p> <p>7 BY THE WITNESS:</p> <p>8 A. So his pricing strategy related to the</p> <p>9 transient business, but the group business rates</p> <p>10 were rather low.</p> <p>11 BY MR. BRUSTEIN:</p> <p>12 Q. When you were a financial analyst for Ty</p> <p>13 Warner Hotels &amp; Resorts, did you meet regularly</p> <p>14 with Mr. Warner?</p> <p>15 A. Yes.</p> <p>16 Q. And did you meet in person or on the</p> <p>17 phone or something else?</p> <p>18 A. Usually in person.</p> <p>19 Q. Did you call him on his cell phone?</p> <p>20 A. He usually called me.</p> <p>21 Q. And did he usually call you from the</p> <p>22 business cell phone number that he had initially</p> <p>23 given you or some other number?</p> <p>24 A. Business cell phone number.</p>	<p style="text-align: right;">Page 63</p> <p>1 A. Katy@tymail.com.</p> <p>2 Q. Did you send it to any other e-mail</p> <p>3 addresses?</p> <p>4 A. No.</p> <p>5 Q. Now, did you regularly send e-mails to</p> <p>6 Mr. Warner about issues as they came up?</p> <p>7 MR. BOLAND: Object to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I gave him a daily report of Four</p> <p>10 Seasons Hotel New York.</p> <p>11 BY MR. BRUSTEIN:</p> <p>12 Q. And was that in e-mail format --</p> <p>13 A. Yes.</p> <p>14 Q. -- or as an attachment?</p> <p>15 A. I believe it was -- well, it was sent</p> <p>16 through e-mail. It may have been in the body of</p> <p>17 the e-mail and also as an attachment.</p> <p>18 Q. Do you still give him those kind of</p> <p>19 reports today?</p> <p>20 A. No.</p> <p>21 Q. When did you stop giving him those</p> <p>22 reports?</p> <p>23 A. I don't recall the year exactly.</p> <p>24 Q. Was it before or after the hotel shut</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. Did he ever leave you voice mails?</p> <p>2 A. Yes.</p> <p>3 Q. Did you communicate with Mr. Warner by</p> <p>4 e-mail?</p> <p>5 A. Yes.</p> <p>6 Q. Did he use the e-mail address that</p> <p>7 you've given that was a tymail or did he have a</p> <p>8 different e-mail address that he contacted you at?</p> <p>9 A. Tymail.</p> <p>10 Q. Now, when you did the financial analysis</p> <p>11 for Ty Warner Hotels &amp; Resorts about the management</p> <p>12 of Four Seasons Hotel New York, did you do that in</p> <p>13 some sort of report?</p> <p>14 MR. BOLAND: Object to the form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. Yes.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. And did you e-mail a copy of that report</p> <p>19 to Mr. Warner?</p> <p>20 A. Yes.</p> <p>21 Q. What e-mail address did you send it to?</p> <p>22 A. You want his work e-mail address?</p> <p>23 Q. I want whatever e-mail address you sent</p> <p>24 it to?</p>	<p style="text-align: right;">Page 64</p> <p>1 down in March of 2020?</p> <p>2 A. It was before.</p> <p>3 Q. Why did you stop giving him e-mail</p> <p>4 reports?</p> <p>5 A. He said he didn't need it anymore.</p> <p>6 Q. Did you still continue to e-mail with</p> <p>7 him about updates on the hotel even if it wasn't a</p> <p>8 daily report?</p> <p>9 A. Yes.</p> <p>10 Q. Do you still e-mail with Mr. Warner</p> <p>11 about the hotel?</p> <p>12 A. Yes.</p> <p>13 Q. When is the last time you e-mailed with</p> <p>14 Mr. Warner about the hotel?</p> <p>15 A. About Four Seasons Hotel New York?</p> <p>16 Q. Yes, about Four Seasons Hotel New York.</p> <p>17 A. It may have been a few weeks ago.</p> <p>18 Q. Did you search your e-mails for</p> <p>19 discovery related to this case?</p> <p>20 A. I did not. The IT team did that. I did</p> <p>21 not perform the search.</p> <p>22 Q. Now, you testified that you reviewed</p> <p>23 e-mails that refreshed your memory. Did any of</p> <p>24 those e-mails involve communications you had</p>

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<p style="text-align: right;">Page 65</p> <p>1 directly with Mr. Warner?</p> <p>2 A. No.</p> <p>3 Q. Have you e-mailed with Mr. Warner about</p> <p>4 the hotel shutting down?</p> <p>5 MR. BOLAND: Object to the form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I don't recall. It may have been a</p> <p>8 phone call.</p> <p>9 BY MR. BRUSTEIN:</p> <p>10 Q. When you e-mail with Mr. Warner, does he</p> <p>11 respond back?</p> <p>12 MR. BOLAND: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Yes.</p> <p>15 BY MR. BRUSTEIN:</p> <p>16 Q. And is he quick to respond to your</p> <p>17 e-mails, or do you need to follow-up?</p> <p>18 MR. BOLAND: Same objection.</p> <p>19 BY THE WITNESS:</p> <p>20 A. It varies.</p> <p>21 MR. BOLAND: Evan, we're coming up on about an</p> <p>22 hour. I'm just saying, suggesting an hour since we</p> <p>23 last broke. Whenever it's a good time for you.</p> <p>24 MR. BRUSTEIN: Sure. Just a few more minutes.</p>	<p style="text-align: right;">Page 67</p> <p>1 documents you printed out since this litigation</p> <p>2 began back in August of 2022?</p> <p>3 MR. BOLAND: Object to the form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. Yes.</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. And did you understand that you have an</p> <p>8 obligation as an officer when litigation is</p> <p>9 involved not to destroy corporate documents related</p> <p>10 to that litigation?</p> <p>11 A. Yes.</p> <p>12 Q. And have you preserved all the corporate</p> <p>13 documents related to this litigation?</p> <p>14 A. Yes.</p> <p>15 Q. When is the last time you saw Mr. Warner</p> <p>16 in person?</p> <p>17 A. January or February of 2020.</p> <p>18 MR. BRUSTEIN: Okay. If you want to take --</p> <p>19 do you want to take a five-minute break now or --</p> <p>20 MR. BOLAND: Yeah.</p> <p>21 MR. BRUSTEIN: -- how long do you want to</p> <p>22 take?</p> <p>23 MR. BOLAND: Yeah, five to ten. That's fine.</p> <p>24 Just every hour or so is good.</p>
<p style="text-align: right;">Page 66</p> <p>1 MR. BOLAND: Whenever it's good for you.</p> <p>2 MR. BRUSTEIN: Thank you.</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. Now, when you have reports and documents</p> <p>5 to share with Mr. Warner, how does he like to</p> <p>6 review them?</p> <p>7 MR. BOLAND: Object to the form.</p> <p>8 BY MR. BRUSTEIN:</p> <p>9 Q. Has Mr. -- I'll rephrase it.</p> <p>10 Has Mr. Warner indicated a preference</p> <p>11 for how he likes to receive large exhibits or</p> <p>12 attachments to e-mails?</p> <p>13 MR. BOLAND: Object to the form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. Yes, he likes to review them on paper.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. And does he have you print them out or</p> <p>18 do you just e-mail to him and then he handles</p> <p>19 printing it out on his own somehow?</p> <p>20 MR. BOLAND: Object to the form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I print it out.</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. And have you been maintaining all of the</p>	<p style="text-align: right;">Page 68</p> <p>1 THE VIDEOGRAPHER: We are going off the record</p> <p>2 at 10:30 a.m.</p> <p>3 (WHEREUPON, a recess was had.)</p> <p>4 THE VIDEOGRAPHER: We are going back on the</p> <p>5 record at 10:45 a.m.</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. Ms. Hwang, are you ready to continue?</p> <p>8 A. Yes.</p> <p>9 Q. And did you speak to anyone during the</p> <p>10 break?</p> <p>11 A. Counsel.</p> <p>12 Q. I'm not asking you what the</p> <p>13 communication was, but did you speak to anyone</p> <p>14 during the break?</p> <p>15 A. Yes. I spoke to Mr. Boland.</p> <p>16 Q. Now, earlier you testified that</p> <p>17 Ms. Snopek was terminated. What is your</p> <p>18 understanding of the reason that she was</p> <p>19 terminated?</p> <p>20 A. I was not given the reason.</p> <p>21 Q. What did you believe the reason to be?</p> <p>22 MR. BOLAND: Sorry about that.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I don't know.</p>

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<p style="text-align: right;">Page 69</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. Had you had any concerns about</p> <p>3 Ms. Snopek's job performance up until that point?</p> <p>4 A. No.</p> <p>5 Q. Now, you testified that there was other</p> <p>6 litigation that you were involved in, and you</p> <p>7 mentioned the hotel management agreement and you</p> <p>8 mentioned the wallpaper lawsuit.</p> <p>9 Were there any other lawsuits that you</p> <p>10 were involved in as a corporate officer?</p> <p>11 A. Yes. There's a wage-an-hour lawsuit for</p> <p>12 San Ysidro Ranch.</p> <p>13 Q. And is -- which company is being sued in</p> <p>14 that lawsuit?</p> <p>15 A. San Ysidro BB Property.</p> <p>16 Q. And what is your role in that</p> <p>17 litigation?</p> <p>18 A. I'm just the officer of the legal</p> <p>19 entity.</p> <p>20 Q. Are there any other officers in that</p> <p>21 legal entity?</p> <p>22 A. Yes.</p> <p>23 Q. How many?</p> <p>24 A. Two others.</p>	<p style="text-align: right;">Page 71</p> <p>1 A. Assistant secretary.</p> <p>2 Q. Is it the same title for each one of the</p> <p>3 entities?</p> <p>4 A. Yes.</p> <p>5 Q. Does Mr. Hicks report to you?</p> <p>6 A. Yes.</p> <p>7 Q. How long has he been an assistant</p> <p>8 secretary?</p> <p>9 MR. BOLAND: Object to the form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I don't know.</p> <p>12 BY MR. BRUSTEIN:</p> <p>13 Q. Was he an assistant secretary before you</p> <p>14 were appointed secretary?</p> <p>15 A. Yes.</p> <p>16 Q. And what is his background?</p> <p>17 MR. BOLAND: Object to the form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. He is an employee of Ty Warner Hotels &amp;</p> <p>20 Resorts.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. How long has he been employed by Ty</p> <p>23 Warner Hotels &amp; Resorts?</p> <p>24 A. 19 years.</p>
<p style="text-align: right;">Page 70</p> <p>1 Q. Who are the two other officers?</p> <p>2 A. Mr. Warner and Joseph Hicks.</p> <p>3 Q. What is Mr. Warner's position in that</p> <p>4 entity?</p> <p>5 A. President.</p> <p>6 Q. Does he have any other titles?</p> <p>7 A. I don't recall.</p> <p>8 Q. And just for the record, when you say</p> <p>9 "Mr. Warner," what is his full legal name?</p> <p>10 A. H. Ty Warner.</p> <p>11 Q. And is H. his full legal first name?</p> <p>12 A. I think it's Harold Ty Warner.</p> <p>13 Q. Now, is -- so for purposes of this, are</p> <p>14 you okay with me calling him Mr. Warner?</p> <p>15 A. Yes.</p> <p>16 Q. Is Mr. Warner the president of each of</p> <p>17 the other entities that you're an officer in?</p> <p>18 A. Yes.</p> <p>19 Q. What is Mr. Hicks' position in each of</p> <p>20 the entities?</p> <p>21 Is he an officer in each of the entities</p> <p>22 that you are involved in, as well?</p> <p>23 A. Yes.</p> <p>24 Q. And what is his title in those entities?</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Do you know why he reports to you</p> <p>2 instead of you reporting to him?</p> <p>3 A. Mr. Warner appointed me to the chief</p> <p>4 financial officer, and he has wanted Joseph Hicks</p> <p>5 to report to me.</p> <p>6 Q. And do you report to Mr. Warner?</p> <p>7 A. Yes.</p> <p>8 Q. Is the reporting structure the same for</p> <p>9 each of the 30 to 40 legal entities that you're</p> <p>10 involved in?</p> <p>11 A. Yes.</p> <p>12 Q. Does Mr. Warner have final</p> <p>13 decision-making authority for each of the legal</p> <p>14 entities?</p> <p>15 MR. BOLAND: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Yes.</p> <p>18 BY MR. BRUSTEIN:</p> <p>19 Q. If you disagree with Mr. Warner about a</p> <p>20 decision, do you have the ability to overrule?</p> <p>21 A. No.</p> <p>22 Q. Do you bring all decisions to</p> <p>23 Mr. Warner?</p> <p>24 MR. BOLAND: Objection. Object to the form.</p>



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<p style="text-align: right;">Page 73</p> <p>1 BY THE WITNESS:</p> <p>2 A. All and every single decision, for every</p> <p>3 business, for all of his properties?</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. Yes.</p> <p>6 A. No.</p> <p>7 Q. What type of decisions do you not need</p> <p>8 authority to bring to Mr. Warner?</p> <p>9 MR. BOLAND: Object to the form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I guess materiality of, you know, a</p> <p>12 simple invoice I'm not going to ask Mr. Warner for</p> <p>13 his approval.</p> <p>14 BY MR. BRUSTEIN:</p> <p>15 Q. Is there a dollar threshold that you</p> <p>16 need to request permission from Mr. Warner?</p> <p>17 A. No.</p> <p>18 Q. Would you request permission from</p> <p>19 Mr. Warner for a \$5,000 item?</p> <p>20 MR. BOLAND: Objection. Object to the form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. It depends on the subject matter and --</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. Is it possible --</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. Now, how often do you speak to</p> <p>2 Mr. Warner on the phone?</p> <p>3 MR. BOLAND: Objection.</p> <p>4 BY THE WITNESS:</p> <p>5 A. It -- it varies.</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. Do you speak to Mr. Warner every week?</p> <p>8 MR. BOLAND: Same objection, overbroad.</p> <p>9 BY THE WITNESS:</p> <p>10 A. Not every week.</p> <p>11 BY MR. BRUSTEIN:</p> <p>12 Q. Do you speak to Mr. Warner most weeks?</p> <p>13 MR. BOLAND: Objection. Object to the form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. What do you mean by "most weeks"?</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. Would you say that on any given day,</p> <p>18 there's a 50 percent chance or better that you will</p> <p>19 talk to Mr. Warner?</p> <p>20 MR. BOLAND: Object to the form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. It's -- it really depends on what's</p> <p>23 going on that day. Mr. Warner could be reaching</p> <p>24 out to me at any point in time. I -- I don't know.</p>
<p style="text-align: right;">Page 74</p> <p>1 A. -- his involvement with --</p> <p>2 MR. BOLAND: I think she wasn't finished yet.</p> <p>3 MR. BRUSTEIN: My apologies.</p> <p>4 BY THE WITNESS:</p> <p>5 A. It depends on the subject matter and his</p> <p>6 involvement.</p> <p>7 BY MR. BRUSTEIN:</p> <p>8 Q. Is it possible that you might need</p> <p>9 Mr. Warner's authority for some purchases or</p> <p>10 invoices as low as \$5,000?</p> <p>11 MR. BOLAND: Object to the form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Yes.</p> <p>14 BY MR. BRUSTEIN:</p> <p>15 Q. Would it be fair to say that if he</p> <p>16 required approval for something as low as -- well,</p> <p>17 withdrawn.</p> <p>18 Do you consider \$5,000 to be a high or</p> <p>19 low amount of money in the scope of the types of</p> <p>20 deals that you're doing for Mr. Warner's companies?</p> <p>21 A. Again, it's really not -- it's sometime</p> <p>22 the materiality and the dollar threshold, but it's</p> <p>23 also his wish to be involved in certain decision</p> <p>24 making.</p>	<p style="text-align: right;">Page 76</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. Does Mr. Warner reach out to you by</p> <p>3 e-mail?</p> <p>4 A. Yes.</p> <p>5 Q. Does he reach out to you by cell phone?</p> <p>6 A. Yes.</p> <p>7 Q. Do you have Zoom meetings or Teams</p> <p>8 meetings or other types of videoconferencing</p> <p>9 meetings with him?</p> <p>10 A. No.</p> <p>11 Q. So is it fair to say that the</p> <p>12 communication you have with him is either on the</p> <p>13 phone or by e-mail or, I guess, old fashion mail?</p> <p>14 A. Yes.</p> <p>15 Q. Approximately how many e-mails a week do</p> <p>16 you exchange on average with Mr. Warner?</p> <p>17 MR. BOLAND: Objection, overbroad.</p> <p>18 You can answer.</p> <p>19 BY THE WITNESS:</p> <p>20 A. Again, it varies.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. You testified earlier that the last time</p> <p>23 you saw Mr. Warner was approximately January</p> <p>24 of 2020?</p>



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**77-80**

<p style="text-align: right;">Page 77</p> <p>1 A. Yes.</p> <p>2 Q. Prior to that, how frequently were you</p> <p>3 seeing him in person?</p> <p>4 MR. BOLAND: Objection, overbroad.</p> <p>5 You can answer.</p> <p>6 BY THE WITNESS:</p> <p>7 A. Every week, at least a few times a week.</p> <p>8 BY MR. BRUSTEIN:</p> <p>9 Q. Did you regularly schedule meetings, or</p> <p>10 was it just when things came up?</p> <p>11 A. Just when things come up.</p> <p>12 Q. Are there any issues that come up that</p> <p>13 require a call or an e-mail or face-to-face meeting</p> <p>14 with Mr. Warner?</p> <p>15 MR. BOLAND: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Can you repeat that question, please.</p> <p>18 BY MR. BRUSTEIN:</p> <p>19 Q. I'll ask it differently.</p> <p>20 With respect to prior to January of 2020</p> <p>21 when you were meeting a few times a week with</p> <p>22 Mr. Warner, were you still e-mailing with him on a</p> <p>23 relatively regular basis back then?</p> <p>24 MR. BOLAND: Object to the form.</p>	<p style="text-align: right;">Page 79</p> <p>1 of 2020, you have not had any communication with</p> <p>2 Mr. Warner outside of telephone calls, e-mails and</p> <p>3 regular mail?</p> <p>4 A. Yes, that's correct.</p> <p>5 Q. When you were having your meetings</p> <p>6 face-to-face with Mr. Warner, did he expect you to</p> <p>7 bring hard copies of the documents you were</p> <p>8 discussing with him?</p> <p>9 MR. BOLAND: Objection, found -- sorry.</p> <p>10 Objection, foundation.</p> <p>11 You can answer.</p> <p>12 BY THE WITNESS:</p> <p>13 A. When you say face-to-face meetings, do</p> <p>14 you mean prior to January of 2020?</p> <p>15 BY MR. BRUSTEIN:</p> <p>16 Q. Yes.</p> <p>17 A. Yes, I would bring him printouts.</p> <p>18 Q. And did you have a folder that you kept</p> <p>19 the printouts or copies of the printouts that you</p> <p>20 were making for Mr. Warner for corporate</p> <p>21 recordkeeping purposes?</p> <p>22 A. I kept electronic copies.</p> <p>23 Q. Do you still have all of those</p> <p>24 electronic copies today?</p>
<p style="text-align: right;">Page 78</p> <p>1 BY THE WITNESS:</p> <p>2 A. Yes.</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. Since you stopped meeting in person with</p> <p>5 him, would you say that you e-mail with him more or</p> <p>6 less frequently than you did prior to January 2020?</p> <p>7 A. I'd say about the same.</p> <p>8 Q. When you speak with Mr. Warner, do you</p> <p>9 take notes on those conversations?</p> <p>10 A. No.</p> <p>11 Q. When Mr. Warner speaks to you over the</p> <p>12 phone and gives you directions, how do you remember</p> <p>13 what he's told you to do?</p> <p>14 MR. BOLAND: Object to the form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. By memory.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. Did you e-mail with Mr. Warner about the</p> <p>19 COVID-19 pandemic?</p> <p>20 MR. BOLAND: Objection.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I don't recall.</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. Is it fair to say that since January</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Yes.</p> <p>2 Q. Since January 2020, how have you been</p> <p>3 getting those same types of documents for your</p> <p>4 meetings or telephone calls with Mr. Warner about</p> <p>5 the different meeting topics?</p> <p>6 MR. BOLAND: Object to the form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Can you clarify your question, please.</p> <p>9 BY MR. BRUSTEIN:</p> <p>10 Q. Had you been e-mailing or printing and</p> <p>11 mailing hard copies of the documents to Mr. Warner</p> <p>12 so that he could follow along in whatever physical</p> <p>13 documents you were talking about?</p> <p>14 MR. BOLAND: Object to the form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. Yes.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. Which method were you using?</p> <p>19 A. Both.</p> <p>20 Q. And are you still maintaining electronic</p> <p>21 copies of all of the documents you've been sharing</p> <p>22 with Mr. Warner since January 2020?</p> <p>23 A. Yes.</p> <p>24 Q. And did you share documents and other</p>

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**81-84**

<p style="text-align: right;">Page 81</p> <p>1 materials, be they spreadsheets or analysis or  2 pamphlets, or anything like that with Mr. Warner  3 about closing the hotel back in March of 2020?  4 MR. BOLAND: Object to the form.  5 BY THE WITNESS:  6 A. You'll have to repeat your question,  7 please.  8 BY MR. BRUSTEIN:  9 Q. Sure.  10 Did you share documents and other  11 materials, physical, you know, things to look at,  12 with Mr. Warner about the decision to close the  13 Four Seasons Hotel New York?  14 A. Yes.  15 Q. And do you have copies of the things  16 that you shared with him about closing the Four  17 Seasons Hotel New York in March 2020?  18 A. Yes.  19 Q. Have you shared documents and other  20 materials with Mr. Warner about conversations about  21 reopen -- reopening the Four Seasons Hotel New York  22 with Mr. Warner?  23 MR. BOLAND: Object to the form.  24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 83</p> <p>1 BY MR. BRUSTEIN:  2 Q. And were those documents that you needed  3 to e-mail him or send him in the mail?  4 A. It was by e-mail.  5 Q. And do you still have those e-mails that  6 you sent to Mr. Warner?  7 A. Yes.  8 Q. And was that to the katy@tymail.com  9 e-mail address?  10 A. Yes.  11 Q. Now, have you discussed this lawsuit  12 with Mr. Warner?  13 A. No, not directly.  14 Q. Have you ever discussed retaliating  15 against someone for bringing the lawsuit with  16 Mr. Warner?  17 MR. BOLAND: Object to the form.  18 BY THE WITNESS:  19 A. I don't know what you mean. Can you  20 repeat your question?  21 BY MR. BRUSTEIN:  22 Q. Have you ever discussed retaliating  23 against someone that sued Mr. Warner or one of his  24 entities?</p>
<p style="text-align: right;">Page 82</p> <p>1 A. Do you mean by e-mail and mail?  2 BY MR. BRUSTEIN:  3 Q. Yes.  4 A. There were certain discussions by e-mail  5 and mail.  6 Q. And do you still have copies of all of  7 those documents and materials that you shared by  8 e-mail and mail with Mr. Warner about --  9 MR. BOLAND: Objection.  10 BY MR. BRUSTEIN:  11 Q. -- reopening the Four Seasons Hotel New  12 York after March 2020?  13 MR. BOLAND: Object to the form.  14 BY THE WITNESS:  15 A. Yes.  16 BY MR. BRUSTEIN:  17 Q. What were the discussions you had with  18 Mr. Warner about reopening the Four Seasons Hotel  19 New York after March 2020?  20 MR. BOLAND: Objection, overbroad.  21 You can answer.  22 BY THE WITNESS:  23 A. I present -- I presented the reopening  24 plans presented by Four Seasons as the operator.</p>	<p style="text-align: right;">Page 84</p> <p>1 MR. BOLAND: Object to the form.  2 BY THE WITNESS:  3 A. No.  4 BY MR. BRUSTEIN:  5 Q. Have you ever discussed taking action  6 against someone for bringing a lawsuit against  7 Mr. Warner or one of his entities?  8 MR. BOLAND: Object to the form.  9 BY THE WITNESS:  10 A. No.  11 BY MR. BRUSTEIN:  12 Q. As a corporate officer, would you ever  13 retaliate against one of the plaintiffs in this  14 case for bringing this lawsuit?  15 MR. BOLAND: Object to the form.  16 BY THE WITNESS:  17 A. No.  18 BY MR. BRUSTEIN:  19 Q. As a corporate officer, would you hold  20 it against the plaintiffs that they believe they  21 have been wronged by the defendants in this case?  22 MR. BOLAND: Object to the form.  23 BY THE WITNESS:  24 A. What do you mean by "hold against the</p>

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<p style="text-align: right;">Page 85</p> <p>1 plaintiffs"?</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. Would you consider their employment at</p> <p>4 the Four Seasons Hotel New York differently because</p> <p>5 they brought this lawsuit?</p> <p>6 MR. BOLAND: Object to the form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I'm not involved with employment</p> <p>9 decisions.</p> <p>10 BY MR. BRUSTEIN:</p> <p>11 Q. Is it your testimony that there are</p> <p>12 other people at Ty Warner Hotels &amp; Resorts that are</p> <p>13 involved in the hotel decisions, or is it your</p> <p>14 testimony that no one at Ty Warner Hotels &amp; Resorts</p> <p>15 has any involvement with employment decisions for</p> <p>16 the Four Seasons Hotel New York?</p> <p>17 A. No one at Ty Warner Hotels &amp; Resorts has</p> <p>18 employment decisions.</p> <p>19 Q. Is it your testimony that Ty Warner</p> <p>20 Hotels &amp; Resorts has no oversight of how many</p> <p>21 employees Four Seasons Hotel New York employs?</p> <p>22 MR. BOLAND: Objection to form. Object to the</p> <p>23 form.</p> <p>24 You can answer.</p>	<p style="text-align: right;">Page 87</p> <p>1 A. I would -- I would like just -- just to</p> <p>2 be clear, there's only two positions that he has</p> <p>3 influence over, and I don't think he can make the</p> <p>4 final decision. There's two key positions, the</p> <p>5 general manager and director of sales and</p> <p>6 marketing. But he does not have the firing</p> <p>7 decisions for those employees.</p> <p>8 Q. Does Mr. Warner have the authority to --</p> <p>9 A. And, I'm sorry, may I add one more</p> <p>10 thing?</p> <p>11 Q. Yes.</p> <p>12 A. And that was per management agreement.</p> <p>13 Q. Does Mr. Warner have the ability to</p> <p>14 determine which employees are placed on furlough?</p> <p>15 A. He has no decision in which employees</p> <p>16 can be placed on furlough.</p> <p>17 Q. Does Mr. Warner have authority to decide</p> <p>18 to pay or not pay employees on furlough?</p> <p>19 A. No, he does not.</p> <p>20 Q. Does Mr. Warner have authority to bring</p> <p>21 employees back to work at the Four Seasons Hotel</p> <p>22 New York?</p> <p>23 A. No.</p> <p>24 Q. Does Mr. Warner have the authority to</p>
<p style="text-align: right;">Page 86</p> <p>1 BY THE WITNESS:</p> <p>2 A. Yes.</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. Yes, it's your testimony that Ty Warner</p> <p>5 Hotels and Resorts has no oversight of the number</p> <p>6 of employees?</p> <p>7 A. No oversight.</p> <p>8 Q. Does Ty Warner Hotels &amp; Resorts have any</p> <p>9 oversight of the salaries for employees of Four</p> <p>10 Seasons Hotel New York?</p> <p>11 A. No.</p> <p>12 Q. Does Ty Warner Hotels &amp; Resort have any</p> <p>13 oversight of sick time for employees at Four</p> <p>14 Seasons Hotel New York?</p> <p>15 A. No.</p> <p>16 Q. Does Mr. Warner have oversight of the</p> <p>17 number of employees at Four Seasons Hotel</p> <p>18 New York?</p> <p>19 A. No.</p> <p>20 Q. Does Mr. Warner have the ability to</p> <p>21 direct people to hire and fire employees of Four</p> <p>22 Seasons Hotel New York?</p> <p>23 A. No.</p> <p>24 Q. Does Mr. Warner --</p>	<p style="text-align: right;">Page 88</p> <p>1 open or close the Four Seasons Hotel New York to</p> <p>2 guests?</p> <p>3 A. No.</p> <p>4 Q. Does Ty Warner Hotels &amp; Resorts have the</p> <p>5 authority to open or close the Four Seasons Hotel</p> <p>6 New York to guests?</p> <p>7 A. No.</p> <p>8 Q. Who are you claiming has the authority</p> <p>9 to open and close the Four Seasons Hotel New York</p> <p>10 to guests?</p> <p>11 A. The operator, Four Seasons.</p> <p>12 Q. Does Ty Warner Hotels &amp; Resorts have</p> <p>13 veto power over the operator's ability to open or</p> <p>14 close the Four Seasons Hotel New York to guests?</p> <p>15 MR. BOLAND: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. No, Ty Warner Hotels &amp; Resorts does not</p> <p>18 have the authority.</p> <p>19 BY MR. BRUSTEIN:</p> <p>20 Q. Does Mr. Warner?</p> <p>21 A. No.</p> <p>22 Q. What is your understanding of why Four</p> <p>23 Seasons Hotel New York is not open today?</p> <p>24 A. The hotel closed due to the pandemic</p>

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**89-92**

<p style="text-align: right;">Page 89</p> <p>1 under the local mandate, and it remains closed</p> <p>2 until we can find a way to open up the hotel</p> <p>3 profitably and safely.</p> <p>4 Q. Who determines the profitability</p> <p>5 necessary to reopen the hotel?</p> <p>6 MR. BOLAND: Object to the form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Four Seasons has provided projections.</p> <p>9 BY MR. BRUSTEIN:</p> <p>10 Q. Do you, as an officer of Ty Warner</p> <p>11 Hotels &amp; Resorts, have any objection to Four</p> <p>12 Seasons deciding that the hotel can open tomorrow?</p> <p>13 MR. BOLAND: Objection, overbroad.</p> <p>14 You can answer.</p> <p>15 BY THE WITNESS:</p> <p>16 A. No.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. Is Ty Warner Hotels &amp; Resorts or</p> <p>19 Mr. Warner taking any position in its litigation to</p> <p>20 terminate its agreement with Four Seasons about the</p> <p>21 management of the hotel that is preventing the Four</p> <p>22 Seasons Hotel New York from reopening?</p> <p>23 A. That was a long question. Would you</p> <p>24 please repeat.</p>	<p style="text-align: right;">Page 91</p> <p>1 A. I don't understand your question.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. What is Ty Warner Hotels &amp; Resorts</p> <p>4 trying to accomplish through the litigation to</p> <p>5 terminate the management agreement with Four</p> <p>6 Seasons --</p> <p>7 MR. BOLAND: Object to the form.</p> <p>8 BY MR. BRUSTEIN:</p> <p>9 Q. -- for --</p> <p>10 MR. BOLAND: I'm sorry. I didn't meant to --</p> <p>11 I thought you were done.</p> <p>12 BY MR. BRUSTEIN:</p> <p>13 Q. -- for the Four Seasons New York Hotel?</p> <p>14 MR. BOLAND: Object to the form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. Will you please repeat the question.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. What does Mr. Warner want to get out of</p> <p>19 terminating the hotel management agreement with the</p> <p>20 Four Seasons?</p> <p>21 MR. BOLAND: Objection to the form and</p> <p>22 foundation.</p> <p>23 BY THE WITNESS:</p> <p>24 A. He wants to modify the management fee</p>
<p style="text-align: right;">Page 90</p> <p>1 Q. Sure.</p> <p>2 You testified that there is litigation</p> <p>3 to terminate Four Seasons' operation of the Four</p> <p>4 Seasons Hotel New York, right?</p> <p>5 A. Uh-huh.</p> <p>6 Q. I'm sorry. You just need to answer</p> <p>7 verbally.</p> <p>8 MR. BOLAND: You have to answer verbally.</p> <p>9 BY THE WITNESS:</p> <p>10 A. Okay. Can you please repeat.</p> <p>11 MR. BRUSTEIN: Can you just read back that</p> <p>12 question, please.</p> <p>13 (WHEREUPON, the record was read</p> <p>14 by the reporter as requested.)</p> <p>15 BY THE WITNESS:</p> <p>16 A. Yes.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. Is the purpose of that litigation to</p> <p>19 prevent Four Seasons from being able to operate the</p> <p>20 Four Seasons Hotel New York?</p> <p>21 MR. BOLAND: No. Objection, overbroad,</p> <p>22 foundation.</p> <p>23 You can answer.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 92</p> <p>1 structure and ensure that ownership interests -- I</p> <p>2 should say the Four Seasons' interests are aligned</p> <p>3 with ownership.</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. And when you say ownership, does anyone</p> <p>6 other than Mr. Warner own stake in the company?</p> <p>7 MR. BOLAND: Oh, object to the form and it's</p> <p>8 vague.</p> <p>9 You can answer.</p> <p>10 BY THE WITNESS:</p> <p>11 A. Hotel 57, LLC, there's many other legal</p> <p>12 entities above it, and Mr. Warner owns it</p> <p>13 indirectly. He is not --</p> <p>14 BY MR. BRUSTEIN:</p> <p>15 Q. And when you say he owns it -- go ahead.</p> <p>16 A. He's not the direct owner of Hotel 57,</p> <p>17 LLC.</p> <p>18 Q. Is he the owner of each of the corporate</p> <p>19 entities above Hotel 57, LLC?</p> <p>20 MR. BOLAND: Objection. Object to the form.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. Directly or indirectly.</p> <p>23 MR. BOLAND: No. Same objection.</p> <p>24 BY THE WITNESS:</p>

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**93-96**

<p style="text-align: right;">Page 93</p> <p>1 A. Indirectly.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. Are you a corporate officer in any -- in</p> <p>4 all of those other entities?</p> <p>5 A. Yes.</p> <p>6 Q. What are those other corporate entities?</p> <p>7 A. I don't know them by memory.</p> <p>8 Q. Is it more than five?</p> <p>9 A. I don't know.</p> <p>10 Q. As a corporate officer, shouldn't you</p> <p>11 know which companies you work for?</p> <p>12 MR. BOLAND: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Yes. And you'll understand when you see</p> <p>15 the entity structure.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. We'll leave a space in the record so</p> <p>18 that you can provide the entity structure.</p> <p>19 Now, would it be fair to say that all</p> <p>20 roads through all those different corporate entity</p> <p>21 structures still lead to Mr. Warner as the owner,</p> <p>22 directly or indirectly, of Hotel 57, LLC?</p> <p>23 MR. BOLAND: Object to the form.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 95</p> <p>1 Hotels &amp; Resorts.</p> <p>2 Q. Has Mr. Warner's involvement in Four</p> <p>3 Seasons Hotel New York changed since the hotel was</p> <p>4 shut down in March 2020?</p> <p>5 MR. BOLAND: Object to the form and</p> <p>6 foundation.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Can you clarify your question?</p> <p>9 BY MR. BRUSTEIN:</p> <p>10 Q. Has Mr. Warner's involvement in Four</p> <p>11 Seasons Hotel New York changed since the hotel</p> <p>12 closed in March 2020?</p> <p>13 MR. BOLAND: Same objection.</p> <p>14 BY THE WITNESS:</p> <p>15 A. What do you mean by involvement?</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. Is he more or less involved since the</p> <p>18 hotel closed in March 2020?</p> <p>19 MR. BOLAND: Same objection.</p> <p>20 BY THE WITNESS:</p> <p>21 A. He has not been there physically since</p> <p>22 March of 2020.</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. Does he call you more frequently about</p>
<p style="text-align: right;">Page 94</p> <p>1 A. Yes, indirectly, it leads to Mr. Warner.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. Now, you testified that the hotel closed</p> <p>4 down in approximately March 2020 because of</p> <p>5 COVID-19, right?</p> <p>6 A. Yes.</p> <p>7 Q. When did you first learn of COVID-19?</p> <p>8 A. I don't recall the exact month.</p> <p>9 Q. What year?</p> <p>10 A. 2020.</p> <p>11 Q. Was it before the hotel closed down,</p> <p>12 though, in March 2020?</p> <p>13 A. Before March 2020, yes.</p> <p>14 Q. Now, who pays your salary?</p> <p>15 A. Ty Warner Hotels &amp; Resorts.</p> <p>16 Q. Are you paid by any of the other</p> <p>17 entities that you're a corporate officer?</p> <p>18 A. No.</p> <p>19 Q. You get no compensation from any of the</p> <p>20 other legal entities?</p> <p>21 A. No, I do not.</p> <p>22 Q. Do those legal entities connect back to</p> <p>23 Ty Warner Hotels &amp; Resorts or just to Mr. Warner?</p> <p>24 A. It does not connect back to Ty Warner</p>	<p style="text-align: right;">Page 96</p> <p>1 the Four Seasons Hotel New York since the hotel</p> <p>2 closed in March 2020, or less frequently?</p> <p>3 MR. BOLAND: Object to the form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. More frequently.</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. I'm sorry, you said more?</p> <p>8 A. More.</p> <p>9 Q. Does he e-mail you more or less</p> <p>10 frequently since the hotel closed in March 2020</p> <p>11 about Four Seasons Hotel New York?</p> <p>12 A. The same.</p> <p>13 Q. When you have calls with Mr. Warner</p> <p>14 about the Four Seasons Hotel New York, do you</p> <p>15 follow-up with him to memorialize those</p> <p>16 conversations in e-mail?</p> <p>17 A. No, not usually.</p> <p>18 Q. Does he?</p> <p>19 A. No.</p> <p>20 Q. Are there any other litigation that</p> <p>21 you're involved in as a corporate officer besides</p> <p>22 the ones that you mentioned so far today?</p> <p>23 A. Yes. There's an employee severance</p> <p>24 matter for Four Seasons Hotel or Four Seasons</p>



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97-100

<p style="text-align: right;">Page 97</p> <p>1 Resort Santa Barbara.</p> <p>2 Q. And what is your involvement in that</p> <p>3 litigation?</p> <p>4 A. I'm the corporate officer.</p> <p>5 Q. And when you say you're the corporate</p> <p>6 officer, you testified earlier that Mr. Hicks and</p> <p>7 Mr. Warner were also corporate officers.</p> <p>8 Are they corporate officers of that</p> <p>9 company as well?</p> <p>10 A. Yes.</p> <p>11 Q. Are you acting as the corporate</p> <p>12 representative, or are they also involved in those</p> <p>13 litigations --</p> <p>14 MR. BOLAND: Object to the form.</p> <p>15 BY MR. BRUSTEIN:</p> <p>16 Q. -- partly?</p> <p>17 MR. BOLAND: Sorry. Object to the form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. I'm acting as the corporate</p> <p>20 representative.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. And do you do that for all of the</p> <p>23 corporate entities that you have a corporate</p> <p>24 officer role?</p>	<p style="text-align: right;">Page 99</p> <p>1 of the entities that you happened to be corporate</p> <p>2 officer -- the corporate officer of that, correct?</p> <p>3 A. Yes.</p> <p>4 Q. So I'm asking if Mr. Hicks also is</p> <p>5 involved as a corporate officer in any of the</p> <p>6 litigation that you mentioned?</p> <p>7 A. No.</p> <p>8 Q. Are you responsible as a corporate</p> <p>9 officer for reviewing the filings that are being</p> <p>10 made in these litigations to make sure that they're</p> <p>11 accurate?</p> <p>12 A. Yes.</p> <p>13 Q. And are you reviewing the filings before</p> <p>14 they're being submitted to court?</p> <p>15 A. Yes.</p> <p>16 Q. And have you done that in this case?</p> <p>17 A. Yes.</p> <p>18 Q. And have you done that in the other</p> <p>19 cases that you testified about yet?</p> <p>20 A. Yes.</p> <p>21 Q. Have you testified about all the</p> <p>22 litigation that you're involved in?</p> <p>23 MR. BOLAND: Objection to form.</p> <p>24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 98</p> <p>1 MR. BOLAND: Object to the form of the</p> <p>2 question.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I'm not involved in every single</p> <p>5 entity's business. If it comes to my attention,</p> <p>6 yes, then I act as the corporate representative.</p> <p>7 BY MR. BRUSTEIN:</p> <p>8 Q. Let me ask it differently. For each of</p> <p>9 the litigation matters that you've testified about,</p> <p>10 are you acting as the corporate representative?</p> <p>11 MR. BOLAND: Object to the form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Can you tell me the difference corporate</p> <p>14 representative and corporate officer?</p> <p>15 BY MR. BRUSTEIN:</p> <p>16 Q. I'm asking you, are you acting on behalf</p> <p>17 of the corporation, or are you doing it as part of</p> <p>18 the team?</p> <p>19 MR. BOLAND: Object to the form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I don't understand your question.</p> <p>22 BY MR. BRUSTEIN:</p> <p>23 Q. So you testified that you, Mr. Hicks and</p> <p>24 Mr. Warner are the three corporate officers at each</p>	<p style="text-align: right;">Page 100</p> <p>1 A. No.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. What other litigation are you involved</p> <p>4 in?</p> <p>5 A. Maybe I misunderstood your question. I</p> <p>6 thought you asked if I have testified for all the</p> <p>7 litigations that I mentioned.</p> <p>8 Q. My apologies.</p> <p>9 A. No.</p> <p>10 Q. I'm asking if you have given an</p> <p>11 exhaustive list of all the litigation matters that</p> <p>12 you're involved in as a corporate officer or if</p> <p>13 there are others?</p> <p>14 A. I -- I don't know.</p> <p>15 Q. To the extent that there are other</p> <p>16 litigation out there that you're involved with as</p> <p>17 the corporate officer, would it be fair to say that</p> <p>18 your role is the same as a corporate representative</p> <p>19 making sure that the filings are accurate if you're</p> <p>20 involved in that litigation?</p> <p>21 MR. BOLAND: Object to the form of the</p> <p>22 question.</p> <p>23 BY THE WITNESS:</p> <p>24 A. Would you please repeat your question.</p>



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**101-104**

<p style="text-align: right;">Page 101</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. To the extent there are other</p> <p>3 litigations that you don't currently remember,</p> <p>4 would it be fair to say that your role in those</p> <p>5 other cases would be the same, to make sure that</p> <p>6 the filings are accurate?</p> <p>7 MR. BOLAND: Same objection.</p> <p>8 BY THE WITNESS:</p> <p>9 A. Yes.</p> <p>10 BY MR. BRUSTEIN:</p> <p>11 Q. Are you aware of any litigation that</p> <p>12 Mr. Hicks takes that role in?</p> <p>13 A. I'm not aware of everything that he's</p> <p>14 involved in.</p> <p>15 Q. Is it possible that there's litigation</p> <p>16 Mr. Hicks is involved in that involves the</p> <p>17 corporate entities that you're the corporate</p> <p>18 officer of that you don't know about them?</p> <p>19 A. Yes.</p> <p>20 Q. Would you agree that since he reports to</p> <p>21 you, if one of the entities you're the corporate</p> <p>22 officer in is being sued, he should be telling you</p> <p>23 that kind of information?</p> <p>24 MR. BOLAND: Objection, vague, overbroad.</p>	<p style="text-align: right;">Page 103</p> <p>1 communications or are there some that Mr. Warner is</p> <p>2 not involved in?</p> <p>3 MR. BOLAND: Objection, overbroad.</p> <p>4 You can answer.</p> <p>5 BY THE WITNESS:</p> <p>6 A. There's some that he -- Mr. Warner is</p> <p>7 not included in the communication.</p> <p>8 MR. BRUSTEIN: All right. At this point, I'm</p> <p>9 going to be introducing an exhibit. I just want to</p> <p>10 make sure that the exhibits have not been opened.</p> <p>11 THE REPORTER: They have not been opened.</p> <p>12 MR. BRUSTEIN: Okay. Wonderful.</p> <p>13 I'm going to be introducing Exhibit</p> <p>14 No. 1, and I will be sharing that in the chat.</p> <p>15 MR. BOLAND: Do you want -- do you want the</p> <p>16 court reporter to get it? The court reporter has</p> <p>17 got custody of the envelope.</p> <p>18 THE REPORTER: Do you want me to open it</p> <p>19 and --</p> <p>20 MR. BRUSTEIN: I am going to ask her to --</p> <p>21 MR. BOLAND: Okay.</p> <p>22 MR. BRUSTEIN: -- get the envelope.</p> <p>23 THE REPORTER: There's a lot of this tape.</p> <p>24 MR. BOLAND: You'll get it.</p>
<p style="text-align: right;">Page 102</p> <p>1 You can answer.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Yes.</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. And is that the kind of thing that you</p> <p>6 would expect to tell Mr. Warner about?</p> <p>7 MR. BOLAND: Object to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. Joe communicates to Mr. Warner as well,</p> <p>10 and he may -- there may be times when he has not</p> <p>11 informed me of everything.</p> <p>12 BY MR. BRUSTEIN:</p> <p>13 Q. And how does he communicate with</p> <p>14 Mr. Warner?</p> <p>15 A. Same way; by phone, e-mail.</p> <p>16 Q. Do you e-mail Mr. Hicks about the Four</p> <p>17 Seasons Hotel New York?</p> <p>18 A. You mean the lawsuit or other matters?</p> <p>19 Q. Let's start with the lawsuit.</p> <p>20 A. No.</p> <p>21 Q. Other matters of the Four Seasons Hotel</p> <p>22 New York?</p> <p>23 A. Yes.</p> <p>24 Q. And is Mr. Warner on all of those</p>	<p style="text-align: right;">Page 104</p> <p>1 THE REPORTER: Okay. I have Exhibit 1.</p> <p>2 MR. BRUSTEIN: Can you please share that --</p> <p>3 mark that as Hwang Exhibit 1, please.</p> <p>4 MR. BOLAND: Well, do you want to stamp the</p> <p>5 copy that you give to the witness, and then I'll</p> <p>6 just keep this one for me.</p> <p>7 (WHEREUPON, a certain document was</p> <p>8 marked Hwang Deposition Exhibit</p> <p>9 No. 1, for identification, as of</p> <p>10 4/14/23.)</p> <p>11 MR. BOLAND: This does not have Bates numbers</p> <p>12 on it, Evan. Did you know that?</p> <p>13 MR. BRUSTEIN: I did not.</p> <p>14 MR. BOLAND: So we don't know about these</p> <p>15 docs.</p> <p>16 Okay. There you go.</p> <p>17 THE WITNESS: Thank you.</p> <p>18 MR. BRUSTEIN: Okay. So I am now going to</p> <p>19 paste the first exhibit into the chat if anyone</p> <p>20 would like to download it.</p> <p>21 I'm going to be going through it for</p> <p>22 ease of not having a thousand exhibits, we're going</p> <p>23 to be taking them one at a time, not the entire</p> <p>24 packet. So you can certainly, you know, leap ahead</p>

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**105-108**

<p style="text-align: right;">Page 105</p> <p>1 if you want, but I'm just going to be starting with</p> <p>2 the first page.</p> <p>3 I am going to share my screen at this</p> <p>4 point so you can see the Bates numbers, Mr. Boland.</p> <p>5 MR. BOLAND: Well, I'm just going to note that</p> <p>6 the exhibit that the witness has has no Bates</p> <p>7 numbers, and whatever's in the chat doesn't change</p> <p>8 that.</p> <p>9 MR. BRUSTEIN: Well, this is actually my</p> <p>10 deposition, and so what's in the chat is going to</p> <p>11 be the electronic copy that we're using. So, but</p> <p>12 during your depositions, your copying team cut off</p> <p>13 Bates numbers, so I'm just putting on the record</p> <p>14 what the Bates numbers are.</p> <p>15 If you want to make an issue of it, go</p> <p>16 right ahead.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. So the first one is WARNERDEF, and I'm</p> <p>19 going to be using the abbreviation WD 3098. It's</p> <p>20 the first page.</p> <p>21 Do you see that e-mail?</p> <p>22 A. Yes.</p> <p>23 Q. Is this an e-mail that you received?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 107</p> <p>1 A. No.</p> <p>2 BY MR. BRUSTEIN</p> <p>3 Q. Did Mr. Warner have any involvement in</p> <p>4 that decision?</p> <p>5 A. No.</p> <p>6 Q. Would it be fair to say at that point in</p> <p>7 time COVID-19 was unprecedented on March 16, 2020?</p> <p>8 A. Did you say COVID-19 was unprecedented?</p> <p>9 Q. At that point, yes.</p> <p>10 A. Yes.</p> <p>11 Q. Had you seen what was happening in China</p> <p>12 prior to it arriving in the United States?</p> <p>13 MR. BOLAND: Object to the form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. No.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. Had you seen when it was happening in</p> <p>18 Italy prior to it arriving in the United States?</p> <p>19 MR. BOLAND: Same objection.</p> <p>20 BY THE WITNESS:</p> <p>21 A. No.</p> <p>22 BY MR. BRUSTEIN:</p> <p>23 Q. Turning the page to the next exhibit,</p> <p>24 WD -- I mean next page in the exhibit, WD 9119. Do</p>
<p style="text-align: right;">Page 106</p> <p>1 Q. Okay. Now, this says March 13, 2020,</p> <p>2 Employee Guidelines for COVID-19. Is that about</p> <p>3 when the hotel -- Four Seasons Hotel New York</p> <p>4 started to act differently because of COVID-19?</p> <p>5 MR. BOLAND: Objection, foundation.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I don't recall.</p> <p>8 BY MR. BRUSTEIN:</p> <p>9 Q. Do you recall if it was before this?</p> <p>10 A. I -- I don't recall the dates.</p> <p>11 Q. Okay. I'm going to have you turn the</p> <p>12 page to page No. 2, and that's Bates No. WD 9121.</p> <p>13 Do you recognize this e-mail?</p> <p>14 A. Clearly it was sent to me, but I -- I</p> <p>15 don't recall the e-mail.</p> <p>16 Q. Does it refresh your recollection that</p> <p>17 on about March 16, 2020, the Four Seasons Hotel New</p> <p>18 York took drastic measures because of the</p> <p>19 Coronavirus?</p> <p>20 A. That's what's stated in the e-mail.</p> <p>21 Q. Did you have any involvement in that</p> <p>22 decision?</p> <p>23 MR. BOLAND: Object to the form.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 108</p> <p>1 you recognize these e-mails between you and</p> <p>2 Mr. Tauscher?</p> <p>3 A. Again, it was sent to me, but I don't</p> <p>4 recall exactly the e-mails.</p> <p>5 Q. Now, this mail talks about the FSNY</p> <p>6 agreeing with TWHR to temporarily close hotel</p> <p>7 operations.</p> <p>8 MR. BOLAND: Which e-mail are you talking</p> <p>9 about, I'm sorry?</p> <p>10 BY THE WITNESS:</p> <p>11 A. At the top of the page? There's two</p> <p>12 e-mails.</p> <p>13 MR. BOLAND: Yeah.</p> <p>14 BY MR. BRUSTEIN:</p> <p>15 Q. So the e-mail from Mr. Tauscher to you</p> <p>16 on the bottom --</p> <p>17 A. Yes.</p> <p>18 Q. -- it says, "Four Seasons is in</p> <p>19 agreement with TWHR to temporarily close hotel</p> <p>20 operations at FSNY."</p> <p>21 Do you see that? It's the first line.</p> <p>22 A. I see it.</p> <p>23 Q. What does "TWHR" stand for?</p> <p>24 MR. BOLAND: Object to the form.</p>

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<p style="text-align: right;">Page 109</p> <p>1 BY THE WITNESS:</p> <p>2 A. Ty Warner Hotels &amp; Resorts.</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. And so this e-mail is saying that Four</p> <p>5 Seasons agreed with Ty Warner Hotels &amp; Resorts to</p> <p>6 close the operations at the Four Seasons Hotel New</p> <p>7 York, right?</p> <p>8 MR. BOLAND: Object to the form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. That's what's stated in the e-mail.</p> <p>11 BY MR. BRUSTEIN:</p> <p>12 Q. Had you had conversations with</p> <p>13 Mr. Tauscher that Ty Warner Hotels &amp; Resorts had</p> <p>14 wanted to close the hotel, Four Seasons Hotel New</p> <p>15 York, in March of 2020?</p> <p>16 A. What I recall is Mr. Tauscher calling me</p> <p>17 and informing me about the local mandate and that</p> <p>18 it -- and what was going on, the widespread of</p> <p>19 COVID-19 in the City of New York, the downturn of</p> <p>20 the business --</p> <p>21 Q. Did you track --</p> <p>22 A. -- that --</p> <p>23 Q. -- with Mr. Warner about --</p> <p>24 MR. BOLAND: Were you finished with your</p>	<p style="text-align: right;">Page 111</p> <p>1 A. After speaking with Mr. Tauscher, I</p> <p>2 believe I informed Mr. Warner what was going on in</p> <p>3 New York.</p> <p>4 Q. And what did Mr. Warner say?</p> <p>5 A. I told him that the hotel would be</p> <p>6 required to shut down due to the City mandate.</p> <p>7 Q. And what did he say back?</p> <p>8 A. And he said okay. I mean, what can you</p> <p>9 do if it's under the local mandate.</p> <p>10 Q. Did he tell you that TWHR should agree</p> <p>11 with that decision?</p> <p>12 MR. BOLAND: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I know how it's stated in the e-mail,</p> <p>15 but T -- TWHR does not have the authority to close</p> <p>16 down the hotel.</p> <p>17 And at the time, I -- I think it was a</p> <p>18 requirement that under the City that the hotel</p> <p>19 closed.</p> <p>20 BY MR. BRUSTEIN:</p> <p>21 Q. When you read it now, does it read to</p> <p>22 you as though TWHR is giving authority to shut down</p> <p>23 the hotel?</p> <p>24 MR. BOLAND: Object to the form.</p>
<p style="text-align: right;">Page 110</p> <p>1 answer?</p> <p>2 THE WITNESS: I'm not finished with my answer.</p> <p>3 BY THE WITNESS:</p> <p>4 A. What I recall --</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. Sorry.</p> <p>7 A. -- was Rudy telling me about the local</p> <p>8 mandates and that it would be -- that the hotel</p> <p>9 would be required to shut down soon.</p> <p>10 Q. Did you discuss that with Mr. Warner?</p> <p>11 A. Yes.</p> <p>12 Q. And did you discuss that on the phone or</p> <p>13 by e-mail?</p> <p>14 A. I don't recall.</p> <p>15 Q. When you would get an e-mail like this,</p> <p>16 would you forward that to Mr. Warner to keep him in</p> <p>17 the loop?</p> <p>18 A. I think, more often than not, I would</p> <p>19 call him. There's times when I would forward him</p> <p>20 e-mails, but it was usually a phone conversation.</p> <p>21 So I can't recall if it was by e-mail or phone.</p> <p>22 Q. But you recall that you did reach out to</p> <p>23 him one way or the other after receiving the e-mail</p> <p>24 from Mr. Tauscher?</p>	<p style="text-align: right;">Page 112</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't think it's authorizing anything.</p> <p>3 Again, Four Seasons has authority to close and open</p> <p>4 the hotel.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. You sent the top e-mail back to</p> <p>7 Mr. Tauscher, right?</p> <p>8 A. Yes.</p> <p>9 Q. Can you please read the last sentence in</p> <p>10 the first paragraph.</p> <p>11 A. We will agree -- we agree we will work</p> <p>12 together on reopening the hotel at a time we both</p> <p>13 agree is appropriate.</p> <p>14 Q. Was that an accurate statement of how</p> <p>15 you understood reopening the hotel?</p> <p>16 MR. BOLAND: Object to the form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. Four Seasons and ownership has a</p> <p>19 complicated relationship. Four Seasons has the</p> <p>20 authority to manage the hotel and its employees.</p> <p>21 And if -- and at times I -- I pushed the</p> <p>22 envelope by saying that we agree, but I realize</p> <p>23 TWHR does not have the authority to close or manage</p> <p>24 the day-to-day operations of the hotel.</p>

**CATHY HWANG**  
**SELENA STALEY -against- FOUR SEASONS HOTELS**

**April 14, 2023**  
**113-116**

Page 113

1 BY MR. BRUSTEIN:  
2 Q. But in this e-mail you said that you  
3 would agree to open it when both parties agreed it  
4 was appropriate, right?  
5 MR. BOLAND: Object to the form, misstates the  
6 document.  
7 BY THE WITNESS:  
8 A. That's what's stated and --  
9 BY MR. BRUSTEIN:  
10 Q. And you --  
11 MR. BOLAND: Please wait. I don't think she's  
12 finished. She's not finished with her answer.  
13 BY THE WITNESS:  
14 A. But that's what's stated, and it was  
15 probably referring to the funding which needs to be  
16 provided in order to reopen the hotel.  
17 BY MR. BRUSTEIN:  
18 Q. If Mr. Warner wanted to withhold  
19 funding, could the hotel reopen?  
20 MR. BOLAND: Objection, foundation.  
21 BY THE WITNESS:  
22 A. Four Seasons can reopen the hotel. They  
23 have the authority to reopen. So if they decided  
24 to reopen without Mr. Warner's funding, that's

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1 their decision.  
2 BY MR. BRUSTEIN:  
3 Q. Is it your testimony that Mr. Warner has  
4 the ability to withhold funding?  
5 MR. BOLAND: Objection, vague, overbroad.  
6 You can answer.  
7 BY THE WITNESS:  
8 A. Mr. Warner, under the management  
9 agreement, funds the operating deficits for the  
10 hotel.  
11 BY MR. BRUSTEIN:  
12 Q. Let's turn ahead two pages in this  
13 document. This is WD 9118. This is an e-mail  
14 about how widespread COVID was at this point,  
15 right?  
16 MR. BOLAND: Object to the form.  
17 BY MR. BRUSTEIN:  
18 Q. In part?  
19 MR. BOLAND: Same objection.  
20 BY THE WITNESS:  
21 A. Are you referring to the e-mail at the  
22 bottom half of the page?  
23 BY MR. BRUSTEIN:  
24 Q. I'm just saying that the announcements

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1 about COVID were global, correct?  
2 MR. BOLAND: Object to the -- object to the  
3 form of the question.  
4 BY THE WITNESS:  
5 A. This is a communications -- he's  
6 referring to the communication that was sent to --  
7 well, it's an internal communication between the  
8 Four Seasons employees.  
9 BY MR. BRUSTEIN:  
10 Q. You were in Chicago at the time, right?  
11 A. Yes.  
12 Q. This wasn't limited to New York, was it?  
13 MR. BOLAND: Object to the form.  
14 BY THE WITNESS:  
15 A. Yes, that's correct.  
16 BY MR. BRUSTEIN:  
17 Q. So in March of 2020, would you agree  
18 that it was a global pandemic?  
19 A. March -- by March 20 of 2020, yes.  
20 Q. And people were dying in great numbers  
21 in New York City at that point, right?  
22 MR. BOLAND: Object to the form.  
23 BY THE WITNESS:  
24 A. That's what the news reported, yes.

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1 BY MR. BRUSTEIN:  
2 Q. And there were dead bodies piling up in  
3 trucks in front of the hospitals because of the  
4 overflow in the morgues?  
5 A. I don't know personally, because I was  
6 not in New York. But in the news, yes, that's what  
7 was reported.  
8 Q. Now, on March 20 of 2020, that's the  
9 first time that the staff was notified that they  
10 were going to be placed on furlough, right?  
11 MR. BOLAND: Objection, foundation.  
12 You can answer.  
13 BY THE WITNESS:  
14 A. I don't know if that was the first time.  
15 BY MR. BRUSTEIN:  
16 Q. Let's turn the page, WD 9113. This is  
17 an e-mail that you received from Rudy Tauscher  
18 about an all employee update.  
19 Does that refresh your recollection as  
20 to the fact that the employees were notified on  
21 March 19, 2020, about the pandemic shutting things  
22 down at the hotel?  
23 MR. BOLAND: Object to the form.  
24 BY THE WITNESS:

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**SELENA STALEY -against- FOUR SEASONS HOTELS**

**April 14, 2023**  
**117-120**

<p style="text-align: right;">Page 117</p> <p>1 A. I see it in the e-mail. I don't recall  2 the exact dates, but, yes, I see it in the e-mail.  3 BY MR. BRUSTEIN:  4 Q. Was Mr. Warner involved in this  5 decision?  6 A. No.  7 Q. Did he have any involvement in notifying  8 the employees of the Four Seasons Hotel New York  9 about they're being placed on furlough?  10 A. No.  11 Q. Is there a reason that the employees  12 weren't notified before March 19, 2020 --  13 MR. BOLAND: Objection, foundation.  14 BY MR. BRUSTEIN:  15 Q. -- about --  16 MR. BOLAND: Sorry. Go ahead. I apologize.  17 BY THE WITNESS:  18 A. I don't know.  19 BY MR. BRUSTEIN:  20 Q. -- about --  21 MR. BOLAND: Go ahead. Let him finish his  22 question.  23 I'll object. Then you can answer.  24 MR. BRUSTEIN: Let me -- withdraw.</p>	<p style="text-align: right;">Page 119</p> <p>1 Q. At any point from March 2020 until now  2 has Mr. Warner refused to provide funds requested  3 by the Four Seasons Hotel New York?  4 A. Ownership had provided a list of  5 operating expenses that the ownership would agree  6 to fund, and all those items have been funded.  7 Q. With respect to Mr. Warner's involvement  8 in Four Seasons Hotel New York, is there anyone at  9 Hotel 57 Services, LLC, other than yourself and  10 Mr. Hicks, that communicates with Mr. Warner  11 directly?  12 MR. BOLAND: Objection, foundation.  13 BY THE WITNESS:  14 A. Can you repeat your question, please.  15 BY MR. BRUSTEIN:  16 Q. You testified that you and Mr. Hicks are  17 officers of Hotel 57 Services, right?  18 A. Yes.  19 Q. Other than the two of you, is there  20 anyone else at Hotel 57 Services, LLC, who  21 communicates directly with Mr. Warner?  22 A. No.  23 MR. BOLAND: Objection, foundation.  24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 118</p> <p>1 BY MR. BRUSTEIN:  2 Q. Is there a reason that the Four Seasons  3 Hotel New York did not notify the employees of the  4 hotel prior to March 19, 2020, that the hotel would  5 be shutting down and they would be placed on  6 furlough?  7 MR. BOLAND: Objection. It assumes facts and  8 no foundation.  9 You can answer.  10 BY THE WITNESS:  11 A. I don't know.  12 BY MR. BRUSTEIN:  13 Q. Earlier you testified that Mr. Warner  14 doesn't have the ability to open or reopen -- open  15 or close the Four Seasons Hotel New York, right?  16 He can just withhold funding for it, right?  17 MR. BOLAND: Objection, form.  18 BY THE WITNESS:  19 A. He can choose to provide funding of  20 operating deficits.  21 BY MR. BRUSTEIN:  22 Q. Is Mr. Warner currently withholding  23 funding from the Four Seasons Hotel New York?  24 A. No.</p>	<p style="text-align: right;">Page 120</p> <p>1 A. No.  2 BY MR. BRUSTEIN:  3 Q. So if anyone else at Hotel 57 Services,  4 LLC, wanted to speak to Mr. Warner, they would have  5 to send a message to either you or Mr. Hicks; is  6 that correct?  7 A. Yes.  8 Q. Now, have you ever rejected a request to  9 fund something at hotel -- at Four Seasons Hotel  10 New York without bringing it to Mr. Warner?  11 A. Mr. Warner is aware of the items that we  12 have agreed to fund for hotel at -- hotel during  13 closure.  14 Q. Is he also aware of requests for funding  15 that are rejected?  16 MR. BOLAND: Objection, assumes facts.  17 BY THE WITNESS:  18 A. Again, he's aware of the items that we  19 agreed to fund.  20 BY MR. BRUSTEIN:  21 Q. I'm asking if you are telling him  22 everything or if you keep things from him when  23 requests come in to fund things at the Four Seasons  24 Hotel New York?</p>



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**SELENA STALEY -against- FOUR SEASONS HOTELS**

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**121-124**

<p style="text-align: right;">Page 121</p> <p>1 MR. BOLAND: Object to the form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I don't keep things from him. I inform</p> <p>4 him of the items that are funded.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. Has there ever been a request for</p> <p>7 funding since March 20, 2020, at the Four Seasons</p> <p>8 Hotel New York that has not been funded by</p> <p>9 Mr. Warner or any of his entities?</p> <p>10 MR. BOLAND: Object to the form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. There are certain payroll for certain</p> <p>13 positions that were not funded because it was not</p> <p>14 staffing plan that ownership agreed to fund.</p> <p>15 BY MR. BRUSTEIN:</p> <p>16 Q. When you say "ownership agreed to fund,"</p> <p>17 was that your decision not to fund or someone</p> <p>18 else's?</p> <p>19 MR. BOLAND: Object to the form of that</p> <p>20 question.</p> <p>21 BY THE WITNESS:</p> <p>22 A. The items that we agreed to fund during</p> <p>23 hotel closure was discussed between myself and</p> <p>24 Mr. Warner.</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. -- did you discuss funding requests at</p> <p>2 Four Seasons Hotel New York with Mr. Warner that</p> <p>3 were not funded?</p> <p>4 A. Yes, he's aware of certain positions</p> <p>5 that were not agreed upon to be funded.</p> <p>6 Q. Whose decision was it to not fund those</p> <p>7 positions?</p> <p>8 A. Again, it was discussed with myself and</p> <p>9 Mr. Warner.</p> <p>10 Q. Was it your decision not to fund those</p> <p>11 positions?</p> <p>12 A. We discussed the staffing plan and</p> <p>13 those -- the positions that were not on the</p> <p>14 staffing plan were not funded.</p> <p>15 Q. And whose decision was it to not fund</p> <p>16 it? Was it you and Mr. Warner together or only one</p> <p>17 of you?</p> <p>18 A. Us together.</p> <p>19 Q. So you agreed with Mr. Warner to not</p> <p>20 fund certain employees' salaries?</p> <p>21 MR. BOLAND: Objection, misstates testimony.</p> <p>22 You can answer.</p> <p>23 BY THE WITNESS:</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 122</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. Were the items that were not to be</p> <p>3 funded also discussed between yourself and</p> <p>4 Mr. Warner?</p> <p>5 A. Well, us -- outside of what agreed to be</p> <p>6 funded, logically, is not funded.</p> <p>7 Q. I'm just asking you for a straight</p> <p>8 answer for the record.</p> <p>9 MR. BOLAND: Objection, then. Asked and</p> <p>10 answered.</p> <p>11 MR. BRUSTEIN: Jim, I really need not speaking</p> <p>12 more than myself and the witness. I know you get</p> <p>13 paid by word sometimes, but in this circumstance,</p> <p>14 it's not your deposition.</p> <p>15 MR. BOLAND: Your question made no sense. I</p> <p>16 need a straight answer.</p> <p>17 If you want to ask her that question</p> <p>18 again, you can do that. Or if you want to ask her</p> <p>19 a different question, you can.</p> <p>20 I'm not interrupting you. I'm making</p> <p>21 minor objections and keeping quiet.</p> <p>22 BY MR. BRUSTEIN:</p> <p>23 Q. Ms. Hwang --</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 124</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. Which employee positions did you reject</p> <p>3 funding for?</p> <p>4 MR. BOLAND: Object to the form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. So, for instance, the director of IT.</p> <p>7 BY MR. BRUSTEIN:</p> <p>8 Q. Was that your decision --</p> <p>9 A. We agreed --</p> <p>10 Q. -- or was it --</p> <p>11 A. No, we agreed that he would work one day</p> <p>12 a week, because during the closure, I did not see a</p> <p>13 need for a full-time IT director. And if he worked</p> <p>14 more than one day a week, we weren't funding the</p> <p>15 additional hours.</p> <p>16 Q. Was that decision, was that something</p> <p>17 that you and Mr. Warner discussed and agreed to?</p> <p>18 A. Yes, we went over every single position</p> <p>19 on the staffing plan.</p> <p>20 Q. Did you make notes of Mr. Warner's</p> <p>21 feedback of the staffing plan?</p> <p>22 A. No, we went over them together. And he</p> <p>23 agreed to those positions.</p> <p>24 Q. When you went over those plans, did they</p>



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**April 14, 2023**  
**125-128**

<p style="text-align: right;">Page 125</p> <p>1 have -- did they have actual names associated with</p> <p>2 people whose salaries were being cut?</p> <p>3 MR. BOLAND: Object to form. That assumes</p> <p>4 facts.</p> <p>5 BY THE WITNESS:</p> <p>6 A. No, I did not have the names of the</p> <p>7 employees. Four Seasons did not disclose that</p> <p>8 information to me.</p> <p>9 BY MR. BRUSTEIN:</p> <p>10 Q. With respect to the plan, how did you</p> <p>11 present it to him? Was it by e-mail or hard copy</p> <p>12 that you mailed to him?</p> <p>13 A. By e-mail.</p> <p>14 Q. Did he e-mail back a response with edits</p> <p>15 to the plan?</p> <p>16 A. No.</p> <p>17 Q. Did he approve of every one of your</p> <p>18 suggestions to cut funding?</p> <p>19 MR. BOLAND: Object to the form. Assumes</p> <p>20 facts.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I don't -- I don't recall if there were</p> <p>23 revisions from the first pass of staffing plan, but</p> <p>24 it was discussed over the phone.</p>	<p style="text-align: right;">Page 127</p> <p>1 New York City.</p> <p>2 MR. BOLAND: Object to the form.</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. The top e-mail Tauscher says, "Please</p> <p>5 share with Mr. Warner." Do you see that at the end</p> <p>6 of the e-mail?</p> <p>7 A. Yes.</p> <p>8 Q. What is your understanding of why</p> <p>9 Mr. Warner needed to have this information?</p> <p>10 MR. BOLAND: Object to the form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. Reading this that Mr. Warner is -- he</p> <p>13 just wanted to keep Mr. Warner informed of what was</p> <p>14 going on in New York and at the hotel, and he</p> <p>15 communicated that through me.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. Now, how many positions did Mr. Warner</p> <p>18 refuse to fund?</p> <p>19 MR. BOLAND: Object to the form. Assumes</p> <p>20 facts and misstates the testimony.</p> <p>21 You may answer.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I don't recall.</p> <p>24 BY MR. BRUSTEIN:</p>
<p style="text-align: right;">Page 126</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. If there were revisions, would you have</p> <p>3 saved those changes in a document?</p> <p>4 A. Yes.</p> <p>5 Q. And would you have saved the original</p> <p>6 version when you received the first copy?</p> <p>7 A. Well, the original version would have</p> <p>8 been presented by Four Seasons because they</p> <p>9 determined the employment for their employees.</p> <p>10 Q. Did you need to share your suggestions</p> <p>11 to Mr. Warner before responding to the Four Seasons</p> <p>12 about the staff funding?</p> <p>13 A. Would you please repeat your question.</p> <p>14 Q. Earlier you testified there were some</p> <p>15 decisions you did not need Mr. Warner's approval</p> <p>16 for. Was the decision about which staff positions</p> <p>17 to fund or not fund something that required</p> <p>18 Mr. Warner's approval?</p> <p>19 A. Yes.</p> <p>20 Q. Yes, it required his approval?</p> <p>21 A. For funding purposes.</p> <p>22 Q. Let's go two pages now further. This is</p> <p>23 WD 9111. This e-mail is an update on the Corona</p> <p>24 case -- Coronavirus cases continuing to increase in</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. Was it more or less than ten positions?</p> <p>2 MR. BOLAND: Same objection.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I don't recall.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. In -- in approximately March 24, 2020,</p> <p>7 how many positions did the Four Seasons want funded</p> <p>8 that Mr. Warner refused to fund?</p> <p>9 A. To be clear, Four Seasons sent --</p> <p>10 provided staffing plans throughout the closure. I</p> <p>11 don't recall every instance of when they provided</p> <p>12 the staffing plan.</p> <p>13 And I can't recall if they provided the</p> <p>14 staffing plan on March 20th for the initial</p> <p>15 closure.</p> <p>16 Q. Now, did Ty Warner Hotel &amp; Resorts</p> <p>17 provide the funding for some positions?</p> <p>18 MR. BOLAND: Objection, vague and overbroad.</p> <p>19 BY MR. BRUSTEIN:</p> <p>20 Q. In -- in March of 2020, when the Four</p> <p>21 Seasons requested or provided a staffing plan, did</p> <p>22 Ty Warner Hotel &amp; Resorts provide funding for some</p> <p>23 of those positions?</p> <p>24 MR. BOLAND: Objection, assumes facts.</p>

**CATHY HWANG**  
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**April 14, 2023**  
**129-132**

<p style="text-align: right;">Page 129</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't recall the exact timing of when</p> <p>3 it was communicated from ownership to the operator</p> <p>4 which positions would be funded. Again, I don't</p> <p>5 remember the exact timing of when the staffing plan</p> <p>6 was presented by Four Seasons to ownership.</p> <p>7 BY MR. BRUSTEIN:</p> <p>8 Q. At the time that it was presented,</p> <p>9 though, did Ty Warner Hotels &amp; Resorts agree to</p> <p>10 provide funding?</p> <p>11 MR. BOLAND: Objection, vague.</p> <p>12 BY MR. BRUSTEIN:</p> <p>13 Q. For the staff positions.</p> <p>14 A. Initially, if the hotel -- or I should</p> <p>15 say Rudy Tauscher and his property level team made</p> <p>16 the decision of keeping certain employees on</p> <p>17 payroll. We were funding those items until a</p> <p>18 staffing plan was presented and we agreed to</p> <p>19 certain positions.</p> <p>20 Q. And when you say "we," are you referring</p> <p>21 to Mr. Warner, Ty Warner Hotels &amp; Resorts, or</p> <p>22 something else?</p> <p>23 A. Mr. Warner as part of Ty Warner Hotels &amp;</p> <p>24 Resorts.</p>	<p style="text-align: right;">Page 131</p> <p>1 any business circumstance you could think of that</p> <p>2 would require the hotel to be closed for an</p> <p>3 extended period of time?</p> <p>4 MR. BOLAND: Object to the form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. No.</p> <p>7 BY MR. BRUSTEIN:</p> <p>8 Q. Let's turn to the next page. This</p> <p>9 begins on WD 1586. I believe it's a three-page</p> <p>10 document ending on WD 1588.</p> <p>11 If you want to take a minute to just</p> <p>12 look through those two pages. The second and third</p> <p>13 page are, you know, just the signature line and</p> <p>14 marked, and so it shouldn't take you that long. I</p> <p>15 am going to remain focused on the main page.</p> <p>16 A. Can you scroll up to the top of that</p> <p>17 current page. Is that dated March 24th?</p> <p>18 Q. Yes.</p> <p>19 A. Okay.</p> <p>20 Q. I can zoom out so you can see more of</p> <p>21 the page if that's helpful for you. Is that</p> <p>22 better?</p> <p>23 A. Yes, thank you.</p> <p>24 Q. Have you seen this document before?</p>
<p style="text-align: right;">Page 130</p> <p>1 Q. When was the last position plan that you</p> <p>2 received from Four Seasons Hotel New York?</p> <p>3 A. I think it was presented with the 2022</p> <p>4 budget. I can't recall the dates.</p> <p>5 Q. Do you still have a copy of that budget</p> <p>6 and that position plan?</p> <p>7 A. Yes.</p> <p>8 Q. Prior to the hotel closing in March</p> <p>9 of 2020, did you have any reason to expect that the</p> <p>10 hotel would need to be closed for an extended</p> <p>11 period of time?</p> <p>12 A. No. Prior to COVID, I didn't know of a</p> <p>13 reason why the hotel would be closed.</p> <p>14 Q. So in February 2020, there was no reason</p> <p>15 for the hotel to claim that it needed to close down</p> <p>16 for an extended period of time?</p> <p>17 MR. BOLAND: Object to the form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. Again, I don't recall the exact timing.</p> <p>20 I mean, I think by February, COVID was rampant, but</p> <p>21 other than the reason for COVID, I don't know of</p> <p>22 any other reason.</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. Okay. Let's say January 2020, was there</p>	<p style="text-align: right;">Page 132</p> <p>1 A. No.</p> <p>2 Q. Did you know that the hotel was</p> <p>3 providing notice that says pursuant to</p> <p>4 29 U.S.C. 2101, et. seq. in the New York WARN Act</p> <p>5 before it sent out notices?</p> <p>6 A. I wasn't aware of this, any</p> <p>7 communication at -- that the property level team</p> <p>8 would have sent out. It looks like this is from</p> <p>9 Elizabeth Ortiz. So I was not aware of these</p> <p>10 communications or the contents of the communication</p> <p>11 to the employees.</p> <p>12 Q. Earlier you testified that you think</p> <p>13 February was probably the earliest that someone</p> <p>14 would have been aware of COVID-19 as an issue.</p> <p>15 MR. BOLAND: Object to the form.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. Is there a reason that this type of</p> <p>18 notification wasn't sent out in February 2020?</p> <p>19 MR. BOLAND: Objection, foundation.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I don't know.</p> <p>22 BY MR. BRUSTEIN:</p> <p>23 Q. Okay. Let's go to next page after this</p> <p>24 document beginning on WD 2198. It's a few pages.</p>

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**133-136**

<p style="text-align: right;">Page 133</p> <p>1 It's ending on WD 2201. I will scroll slowly if</p> <p>2 you want to look on the screen, but I believe you</p> <p>3 have a copy in front of you, as well.</p> <p>4 If you want to look on the screen, just</p> <p>5 tell me when you would like me to go to the next</p> <p>6 page. I'm just going to ask you generally if</p> <p>7 you've seen this document before.</p> <p>8 Does it look familiar to you?</p> <p>9 A. I have not seen this particular</p> <p>10 document. I'm familiar with some of the phrases</p> <p>11 and the wording that was used.</p> <p>12 Q. Were you involved in the drafting of the</p> <p>13 phrasing and wording that was used even if you</p> <p>14 haven't seen this specific version of it?</p> <p>15 A. Four Seasons had sent me their planned</p> <p>16 communications for -- for the website and to the</p> <p>17 media.</p> <p>18 Q. Did you discuss that planned</p> <p>19 communication with Mr. Warner?</p> <p>20 A. I don't recall.</p> <p>21 Q. Did Mr. Warner have any objection to</p> <p>22 being referred to as the hotel's owner publicly?</p> <p>23 MR. BOLAND: Objection to the form.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 135</p> <p>1 let you know?</p> <p>2 MR. BOLAND: Object to the form.</p> <p>3 Excuse me.</p> <p>4 BY THE WITNESS:</p> <p>5 A. Yes, he would let me know.</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. Is it safe to say that he didn't let you</p> <p>8 know that he had any objection to being referred to</p> <p>9 as the hotel's owner?</p> <p>10 A. I think if he was upset about being</p> <p>11 referred to as the hotel's owner, he would have let</p> <p>12 me know.</p> <p>13 Q. And you have no recollection of him ever</p> <p>14 objecting to being referred to as the hotel's</p> <p>15 owner?</p> <p>16 A. I don't recall.</p> <p>17 Q. And you've never asked him not to refer</p> <p>18 to him as the hotel's owner, right?</p> <p>19 A. I've never what?</p> <p>20 Q. You've never asked any of the people at</p> <p>21 the hotel not to refer to Mr. Warner as the hotel's</p> <p>22 owner, right?</p> <p>23 A. That's correct.</p> <p>24 Q. Okay. Let's turn to the next document</p>
<p style="text-align: right;">Page 134</p> <p>1 A. Is that stated in this document</p> <p>2 somewhere?</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. So if you look on the screen. It's the</p> <p>5 second page, WD 2199. It's old. It says e-mail</p> <p>6 and auto reply. The second paragraph, "Following</p> <p>7 the announcement of Governor Andrew Cuomo and</p> <p>8 hotel's owner, Ty Warner, Four Seasons Hotel New</p> <p>9 York is preparing the hotel to accommodate nurses,</p> <p>10 doctors, and it goes on from there."</p> <p>11 A. Okay. Can you please repeat your</p> <p>12 question?</p> <p>13 Q. I'm sorry?</p> <p>14 A. Would you please repeat your question</p> <p>15 earlier.</p> <p>16 Q. Did Mr. Warner have any objection to</p> <p>17 being referred to publicly as the hotel's owner?</p> <p>18 MR. BOLAND: Objection, foundation.</p> <p>19 BY THE WITNESS:</p> <p>20 A. I'm not aware of any objections.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. If Mr. Warner had a problem with the way</p> <p>23 the hotel was referring to him, was he the kind of</p> <p>24 person that would keep that to himself or would he</p>	<p style="text-align: right;">Page 136</p> <p>1 in this set. This is WD 9126. And this e-mail is</p> <p>2 just talking about the fact that the hotel was</p> <p>3 going to open on April 2nd to medical personnel.</p> <p>4 MR. BOLAND: Object to the form.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. Is that your understanding of what this</p> <p>7 e-mail was about?</p> <p>8 MR. BOLAND: Object to the form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. Yes.</p> <p>11 BY MR. BRUSTEIN:</p> <p>12 Q. Did Mr. Warner approve the hotel opening</p> <p>13 to the medical personnel?</p> <p>14 MR. BOLAND: Object to the form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. He approved the funding to open up the</p> <p>17 hotel for the medical professionals.</p> <p>18 BY MR. BRUSTEIN:</p> <p>19 Q. And why did he -- did he tell you why he</p> <p>20 did that?</p> <p>21 A. He had -- he heard what was going on in</p> <p>22 New York, and he wanted to help the first</p> <p>23 responders.</p> <p>24 Q. Were there any tax benefits to reopening</p>

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**137-140**

<p style="text-align: right;">Page 137</p> <p>1 up the hotel?</p> <p>2 MR. BOLAND: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I don't know.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. As the chief financial officer, wouldn't</p> <p>7 tax benefits be something under your purview?</p> <p>8 MR. BOLAND: Object to the form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. I'm not a tax expert, and we didn't</p> <p>11 consult with a tax advisor on that matter. It was</p> <p>12 important for Mr. Warner to help the first</p> <p>13 responders.</p> <p>14 BY MR. BRUSTEIN:</p> <p>15 Q. So it was a completely selfless decision</p> <p>16 for Mr. Warner, from your understanding?</p> <p>17 A. This is what he wished to do.</p> <p>18 Q. Turning to the next page, WD 9108. I'm</p> <p>19 just looking at the top of the page. It says that</p> <p>20 you discussed the timeline with Mr. Warner, and</p> <p>21 that has to do with reopening the hotel, right?</p> <p>22 MR. BOLAND: Object to the form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. My e-mail communicates to Mr. Tauscher</p>	<p style="text-align: right;">Page 139</p> <p>1 York, correct?</p> <p>2 MR. BOLAND: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Some of the hotels are in the</p> <p>5 competitive set. Not all.</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. Which ones are?</p> <p>8 A. Mandarin Oriental, St. Regis, and</p> <p>9 Baccarat.</p> <p>10 Q. But your understanding from this e-mail</p> <p>11 was that hotels in New York City were going to</p> <p>12 reopen in June 2020?</p> <p>13 MR. BOLAND: Object to the form.</p> <p>14 BY MR. BRUSTEIN:</p> <p>15 Q. Right?</p> <p>16 A. I understood that they were planning to</p> <p>17 reopen, and there was discussions about reopening</p> <p>18 in June. But there were a lot of uncertainties</p> <p>19 with COVID at that point in time.</p> <p>20 Q. But Mr. Tauscher was asking you about</p> <p>21 the timeline that Mr. Warner wanted to reopen Four</p> <p>22 Seasons Hotel New York, right?</p> <p>23 MR. BOLAND: Objection, fundamentally</p> <p>24 misstates. Object to the form.</p>
<p style="text-align: right;">Page 138</p> <p>1 that Mr. Warner wished to extend providing rooms</p> <p>2 for the medical professionals.</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. Right. And that was in response to</p> <p>5 Mr. Tauscher talking about reopening the hotel to</p> <p>6 guests, right?</p> <p>7 MR. BOLAND: Object to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. This is at the end of April. The</p> <p>10 medical professionals were already at the hotel.</p> <p>11 And, again, Mr. Warner wanted to continue providing</p> <p>12 the rooms for the medical professionals, so that's</p> <p>13 my communication to Rudy to continue on with that</p> <p>14 program.</p> <p>15 BY MR. BRUSTEIN:</p> <p>16 Q. Now, directing your attention to the</p> <p>17 second to the last paragraph. It says, "Speaking</p> <p>18 to industry colleagues, Mandarin Oriental New York,</p> <p>19 Park Hyatt, Baccarat, The Carlisle, St. Regis, and</p> <p>20 Peninsula, all hotels prepared to open in June."</p> <p>21 Do you see that?</p> <p>22 A. I see the sentence, yes.</p> <p>23 Q. And those hotels are all in the</p> <p>24 competitive set for the Four Seasons Hotel New</p>	<p style="text-align: right;">Page 140</p> <p>1 MR. BRUSTEIN: Again, I appreciate your words.</p> <p>2 Please limit to objection.</p> <p>3 MR. BOLAND: Tell the truth about the</p> <p>4 documents.</p> <p>5 MR. BRUSTEIN: Mr. Boland, I really am going</p> <p>6 to remind you that your narration was inappropriate</p> <p>7 here.</p> <p>8 BY MR. BRUSTEIN:</p> <p>9 Q. Ms. Hwang, did you discuss reopening the</p> <p>10 hotel with Mr. Warner after receiving</p> <p>11 Mr. Tauscher's e-mail on April 24th, 2020?</p> <p>12 MR. BOLAND: Objection. Object to the form,</p> <p>13 vague.</p> <p>14 You can answer.</p> <p>15 BY THE WITNESS:</p> <p>16 A. What I see here is Rudy asking to end</p> <p>17 the program to provide rooms to medical</p> <p>18 professionals on May 7th. And he said he leaves</p> <p>19 this decision up to Mr. Warner.</p> <p>20 And that is what I discussed with</p> <p>21 Mr. Warner, whether he would like to halt the</p> <p>22 program or continue the program.</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. But my question to you is if in April</p>

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<p style="text-align: right;">Page 141</p> <p>1 of 2020, you discussed reopening Four Seasons Hotel  2 New York with Mr. Warner?  3 MR. BOLAND: Objection, asked and answered.  4 You can answer.  5 MR. BRUSTEIN: Okay. Mr. Boland, we're going  6 to have to call the court if you are going to  7 continue to voice your objection.  8 MR. BOLAND: She just gave you the answer.  9 MR. BRUSTEIN: No, she didn't.  10 MR. BOLAND: All right. I think she did.  11 BY THE WITNESS:  12 A. Would you please -- would you please ask  13 the question again, because I believe I gave my  14 answer.  15 BY MR. BRUSTEIN:  16 Q. My question was at -- in April 2020, did  17 you discuss with Mr. Warner reopening the hotel to  18 guests?  19 MR. BOLAND: Object to the form.  20 BY THE WITNESS:  21 A. In April of 2020, Mr. Warner was focused  22 on providing the rooms to the medical  23 professionals, so that was not discussed. He  24 didn't bring that up explicitly.</p>	<p style="text-align: right;">Page 143</p> <p>1 employed at the hotel, but we were extending the  2 program on a monthly basis. And at some point in  3 time in that period, Four Seasons, as the operator,  4 had proposed reopening.  5 Q. While the medical program was going on,  6 did you have conversations with Mr. Warner about  7 reopening the hotel to guests, or did that  8 conversation not happen until after the medical  9 personnel left?  10 A. It didn't happen until after the medical  11 professionals left.  12 Q. Why didn't Mr. Warner conclude hosting  13 medical professionals at the Four Seasons Hotel New  14 York?  15 MR. BOLAND: Objection, foundation.  16 You can answer.  17 BY THE WITNESS:  18 A. Why did he conclude, is that what you  19 said?  20 BY MR. BRUSTEIN:  21 Q. Why did he stop, basically?  22 A. I think we stopped at end of June. At  23 that point in time he felt that he provided, you  24 know, enough support to the first responders. And</p>
<p style="text-align: right;">Page 142</p> <p>1 He stated that he would like to continue  2 the program providing the rooms for medical  3 professionals, and we discussed uncertainties, and  4 we said we didn't -- we didn't know when would be a  5 good time to halt. I mean, we wanted to continue  6 providing the rooms.  7 BY MR. BRUSTEIN:  8 Q. I'm sorry, you said you didn't know when  9 it would be a good time to do what?  10 A. Mr. Warner said that he would like to  11 continue providing the rooms to the first  12 responders, given what was going on in New York  13 with COVID. We didn't discuss halting the program.  14 He said we would, you know, revisit.  15 Q. When is the first time you discussed  16 reopening the Four Seasons Hotel New York with  17 Mr. Warner after April 2020?  18 MR. BOLAND: Object to the form.  19 BY THE WITNESS:  20 A. I would say spring and summer of 2020.  21 BY MR. BRUSTEIN:  22 Q. Who initiated that conversation?  23 A. Well, it came from Four Seasons as the  24 operator. I don't recall if Rudy was still</p>	<p style="text-align: right;">Page 144</p> <p>1 there were considerations on, you know, ongoing  2 capital projects that we needed to complete.  3 Q. Did Mr. Warner tell you that?  4 A. We discussed the capital projects, and  5 he understood the importance of completing those --  6 the improvements during hotel closure.  7 Q. When did Mr. Warner first discuss doing  8 capital projects as a basis to close the hotel?  9 MR. BOLAND: Object to the form. It assumes  10 facts.  11 BY THE WITNESS:  12 A. I don't recall.  13 BY MR. BRUSTEIN:  14 Q. Was it before or after the medical  15 personnel began staying at the hotel?  16 MR. BOLAND: Same objection.  17 BY THE WITNESS:  18 A. A number of these capital projects were  19 going on. I think it started before and during.  20 BY MR. BRUSTEIN:  21 Q. Did they continue while the medical  22 personnel were staying at the hotel?  23 A. Yes.  24 MR. BOLAND: Evan, we've been going over an</p>



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<p style="text-align: right;">Page 145</p> <p>1 hour and a half on this session. Whenever you get  2 a good time, it probably makes sense to take a  3 break.  4 MR. BRUSTEIN: Well, okay. Just give me a few  5 questions, and then we can take a break.  6 MR. BOLAND: Sure.  7 MR. BRUSTEIN: Do you want to take a lunch  8 break at that point?  9 MR. BOLAND: Yeah, sure.  10 Cathy, is that good for you --  11 THE WITNESS: Yeah.  12 MR. BOLAND: -- to break?  13 THE WITNESS: Yeah.  14 MR. BOLAND: Okay.  15 THE WITNESS: That's fine.  16 MR. BOLAND: Yeah, that's fine.  17 MR. BRUSTEIN: Okay. I'm sorry. Can I just  18 have that last question read back.  19 (WHEREUPON, the record was read  20 by the reporter as requested.)  21 BY MR. BRUSTEIN:  22 Q. What projects, capital projects, were  23 happening while the medical personnel were staying  24 at the hotel?</p>	<p style="text-align: right;">Page 147</p> <p>1 A. There -- I can't recall exactly which  2 projects were, besides the two that I mentioned. I  3 can't recall exactly all the projects that were  4 going on during the medical professional stay.  5 Q. Earlier you said there was a wallpaper  6 lawsuit. Was there a wallpaper project going on  7 when the medical personnel were there?  8 A. The installation was -- the initial  9 installation was completed before the medical  10 professional stay, but then there was a second  11 round of reinstalling the wallpaper in certain  12 rooms.  13 So I can't recall if that was still  14 going on while the medical professionals were at  15 the hotel.  16 Q. Now, was there any capital project that  17 required the hotel -- that required the hotel to  18 shut down?  19 MR. BOLAND: Object to the form.  20 BY THE WITNESS:  21 A. There were many capital projects. Due  22 to the nature of the projects, there would be a lot  23 of noise complaints. And, as I understand it,  24 certain projects would require shutdown of the</p>
<p style="text-align: right;">Page 146</p> <p>1 A. The elevator project, elevator --  2 elevator monitoring station projects.  3 Q. Anything else?  4 A. There's the building facade project. I  5 can't recall the exact date of completion.  6 Q. Do you recall the year the building  7 facade project was completed?  8 A. No. The project was suspended during  9 COVID, so I know it was during 2020. But under  10 City mandate, there were certain rules about what  11 projects can continue, so --  12 Q. Other than the --  13 A. So I can't recall -- I'm sorry. So I  14 can't recall the exact date of the completion.  15 There were many delays.  16 Q. Other than the elevator modernization  17 and the building facade, were there other projects?  18 MR. BOLAND: Object to the form.  19 BY THE WITNESS:  20 A. Again, there's a number of projects that  21 were going on. I can't recall the exact timing.  22 BY MR. BRUSTEIN:  23 Q. Were they going on while the hotel had  24 the medical personnel staying there?</p>	<p style="text-align: right;">Page 148</p> <p>1 power, which would be disruptive during hotel  2 operations.  3 BY MR. BRUSTEIN:  4 Q. Which specific projects are you  5 referencing would require the hotel to shut down  6 because of loss of power?  7 A. There's a switch gear project. And then  8 I'm not sure about the elevator project if that  9 would also require it during testing. But there  10 were a number of complaints prior to shutting down  11 at the hotel by guests about the noise complaint,  12 the elevator project.  13 Q. Other than the switch gear and elevator  14 project, was there any other capital project that  15 required the hotel to shut down?  16 MR. BOLAND: Objection, vague.  17 BY THE WITNESS:  18 A. There's a shower pan project that's  19 going on, and, again, it would be disruptive to  20 hotel's operations as it requires removal of  21 drywall and ceilings, and drywalls in the hallways,  22 as well.  23 BY MR. BRUSTEIN:  24 Q. Anything else?</p>

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<p style="text-align: right;">Page 149</p> <p>1 MR. BOLAND: Same objection. 2 You can answer. 3 BY THE WITNESS: 4 A. Like, I don't recall every -- every one 5 of the projects that are in progress. 6 BY MR. BRUSTEIN: 7 Q. Were there any other big projects? 8 MR. BOLAND: Object to the form. 9 BY THE WITNESS: 10 A. There is a fire panel replacement 11 project, replace -- replacement/upgrade project. 12 BY MR. BRUSTEIN: 13 Q. Were these projects all part of the 14 five-year plan? 15 A. I don't know what you mean by the 16 five-year plan. 17 Q. Did the hotel have a five-year plan from 18 2019? 19 A. Again, I don't know what you mean by the 20 five-year plan. 21 Q. What was involved with the switch gear 22 replacement? 23 A. I think they had to apply for permits 24 and such. I -- I don't know the details of the</p>	<p style="text-align: right;">Page 151</p> <p>1 BY MR. BRUSTEIN: 2 Q. Does he give Mr. Warner regular updates? 3 MR. BOLAND: Objection, foundation. 4 BY THE WITNESS: 5 A. No. 6 BY MR. BRUSTEIN: 7 Q. How frequently do you receive updates 8 from Mr. Rosati about the status of the renovation? 9 A. He'll give me the progress of what's 10 going on, but it's hard to determine the completion 11 date with all the delays during COVID and 12 unforeseen, you know, expansion of projects of -- 13 during the shower pan replacement project, it may 14 be discovered that other -- you know, additional 15 rooms are impacted. 16 Q. Did he give you estimates of how long 17 the projects were supposed to last? 18 MR. BOLAND: Object to the form. 19 BY THE WITNESS: 20 A. Those estimates continued to change and 21 it's still ongoing. 22 BY MR. BRUSTEIN: 23 Q. But does he give you estimated 24 timeframes of when he expects projects to conclude</p>
<p style="text-align: right;">Page 150</p> <p>1 project. 2 Q. What is your understanding of how long 3 the hotel would be required to shut down for the 4 switch gear to be replaced once the permit was 5 approved? 6 MR. BOLAND: Object to the form. 7 BY THE WITNESS: 8 A. I don't know. 9 BY MR. BRUSTEIN: 10 Q. Who would have -- who was responsible 11 for overseeing the switch gear project? 12 A. We engaged a third party. 13 Q. Who is the third party? 14 A. Solid Rock and -- 15 Q. And -- sorry. 16 A. -- there's a person that is in charge of 17 the capital projects overseeing those projects. 18 Q. Who is that? 19 A. Thomas Rosati. 20 Q. Did he provide you updates on the 21 timeframe for projects? 22 MR. BOLAND: Object to the form. 23 BY THE WITNESS: 24 A. No, he does not give me regular updates.</p>	<p style="text-align: right;">Page 152</p> <p>1 and how much money or additional funding is needed? 2 A. I believe he gets updates from Four 3 Seasons employees who are working on certain 4 projects. 5 Q. Do you ever request updates? 6 A. When I speak with him, he -- he gives me 7 certain updates, but he does not send me updates 8 regularly. 9 Q. When he sends you updates, are they 10 verbal or are they printed materials or electronic 11 materials? 12 A. They're usually verbal. 13 Q. Does he sometimes give you status 14 reports that are either printed or electronic for 15 you to review? 16 A. He does not provide reports. 17 Q. Do you get annual reports from 18 Mr. Rosati about the status of all the renovations 19 or any of the renovations? 20 A. No, I do not. 21 Q. Mr. Warner hasn't asked you to demand 22 reports about how long the renovations or how much 23 the renovations are costing? 24 A. No, he hasn't demanded updates.</p>

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1 Q. Do you give a blank check to  
2 Mr. Rosati's firm -- Rosati's firm or is there a  
3 contract that sets forth certain benchmarks of when  
4 certain projects need to be completed?  
5 MR. BOLAND: Object to the form.  
6 BY THE WITNESS:  
7 A. No, I do not give bench -- blank checks  
8 to Mr. Rosati.  
9 BY MR. BRUSTEIN:  
10 Q. Do you have contracts with his firm that  
11 sets certain benchmarks of when projects need to be  
12 completed by?  
13 A. No.  
14 Q. There's no contracts setting deadlines  
15 or penalties for taking too long on a project?  
16 MR. BOLAND: Objection, vague.  
17 BY THE WITNESS:  
18 A. There's a contract, but there's no set  
19 timelines.  
20 BY MR. BRUSTEIN:  
21 Q. Does the contract have any sort of  
22 timeframe for when it's expected to complete?  
23 A. I don't recall.  
24 Q. Does the contract actually include the

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1 scope of work?  
2 A. I don't think the scope of work is  
3 specifically defined in the contract.  
4 Q. Is there any limit to the oversight or  
5 authority that Mr. Rosati has for doing renovations  
6 at the Four Seasons Hotel New York?  
7 MR. BOLAND: Object to the form of the  
8 question.  
9 BY THE WITNESS:  
10 A. He has no authority.  
11 BY MR. BRUSTEIN:  
12 Q. Who has the authority?  
13 A. It would be Four Seasons.  
14 Q. Is it your testimony that the Four  
15 Seasons is the one overseeing the progress of the  
16 renovations at the Four Seasons Hotel New York?  
17 A. Yes. Thomas serves as an advisor.  
18 Q. Who was paying Mr. Rosati, Mr. Warner or  
19 the Four Seasons or someone else?  
20 A. Ty Warner Hotels & Resorts pays  
21 Mr. Rosati.  
22 Q. But it's your testimony that he reports  
23 not to Ty Warner Hotels & Reports or Mr. Warner or  
24 yourself but to the Four Seasons?

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1 A. Mr. Rosati is a third party. He works  
2 for a third party firm called Solid Rock. He does  
3 not report to me. He does not report to Four  
4 Seasons.  
5 Q. But my question is, who has oversight of  
6 Mr. Rosati and Solid Rock?  
7 MR. BOLAND: Object to the form.  
8 BY THE WITNESS:  
9 A. Ty Warner Hotels & Resorts have engaged  
10 them to advise on projects, has engaged Solid Rock  
11 to advise on projects.  
12 BY MR. BRUSTEIN:  
13 Q. Since they're advising, is it your  
14 testimony that Ty Warner Hotels & Resorts does not  
15 have the authority to overrule Solid Rock on  
16 renovation projects?  
17 MR. BOLAND: Object to the form.  
18 BY THE WITNESS:  
19 A. They recommend the projects, and it's up  
20 to Ty Warner Hotels & Resorts to decide if we would  
21 like to implement those projects.  
22 BY MR. BRUSTEIN:  
23 Q. When they recommend projects, do they  
24 provide a proposal that includes the scope of work

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1 and a estimated budget?  
2 A. Yes.  
3 Q. And does that proposal also include a  
4 proposed or estimated timeframe for the project to  
5 take?  
6 A. I don't recall.  
7 Q. Is it one contract or does it -- or one  
8 proposal, or does every renovation or capital  
9 project that they propose have its own separate  
10 proposal?  
11 A. They would be proposed separately.  
12 MR. BRUSTEIN: We're going to call for the  
13 production of those proposals.  
14 MR. BOLAND: Issue a document request.  
15 MR. BRUSTEIN: All right. At this point if  
16 you want to take a break.  
17 MR. BOLAND: Okay.  
18 MR. BRUSTEIN: How much time do you want for  
19 your break?  
20 MR. BOLAND: How much time do you need for --  
21 how much time -- is there something these people  
22 can do something within a half hour and be back, or  
23 do we need, like, a little longer than that?  
24 THE VIDEOGRAPHER: We're going off the record

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<p style="text-align: right;">Page 157</p> <p>1 at 12:37 p.m. 2 (WHEREUPON, discussion was had 3 off the record.) 4 (WHEREUPON, the deposition was 5 recessed until 1:20 p.m., this date, 6 April 14, 2023.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 159</p> <p>1 PRESENT: 2 3 BRUSTEIN LAW PLLC, 4 (299 Broadway, 17th Floor, 5 New York, New York 10007, 6 212-233-3900), by: 7 MR. EVAN CRAIG BRUSTEIN, 8 evan@brusteinlaw.com, 9 and 10 RISMAN &amp; RISMAN, P.C., 11 (299 Broadway, 17th Floor, 12 New York, New York 10007, 13 212-233-6400), by: 14 MS. MAYA RISMAN, 15 info@risman-law.com, 16 appeared Zoom Video Conference on behalf 17 of the Plaintiffs; 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 158</p> <p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF NEW YORK 3 SELENA STALEY, VIVIAN ) 4 HOLMES, and OLIVE IVEY, ) 5 on behalf of themselves ) 6 and all others similarly ) 7 situated, ) 8 Plaintiffs, ) 9 -against- ) No. 22-CV-6781 (JSR) 10 FOUR SEASONS HOTELS AND ) 11 RESORTS, HOTEL 57 ) 12 SERVICES, LLC, HOTEL 57, ) 13 LLC, TY WARNER HOTELS &amp; ) 14 RESORTS, LLC, and H. TY ) 15 WARNER, ) 16 Defendants. ) 17 April 14, 2023 18 1:31 p.m. 19 20 The videotaped deposition of CATHY 21 HWANG, taken via Zoom Video Conference, resumed 22 pursuant to recess at 280 Chestnut Avenue, 23 Westmont, Illinois. 24</p>	<p style="text-align: right;">Page 160</p> <p>1 PRESENT (Continued): 2 3 SMITH GAMBRELL RUSSELL, 4 (1301 Avenue of the Americas, 21st Floor, 5 New York, New York 10019, 6 212-218-8760), by: 7 MS. KATHRYN T. LUNDY, 8 klundy@sgrlaw.com, 9 appeared via Zoom Video Conference on 10 behalf of the Defendants Hotel 57 11 Services, LLC, Hotel 57, LLC, Ty Warner 12 Hotels &amp; Resorts, LLC, H. Ty Warner, and 13 the deponent; 14 15 SMITH GAMBRELL RUSSELL, 16 (311 South Wacker Drive, Suite 3000, 17 Chicago, Illinois 60606, 18 312-360-6000), by: 19 MR. JAMES J. BOLAND, 20 jboland@sgrlaw.com, 21 appeared on behalf of the Defendants 22 Hotel 57 Services, LLC, Hotel 57, LLC, 23 Ty Warner Hotels &amp; Resorts, LLC, H. Ty 24 Warner and the deponent;</p>

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<p style="text-align: right;">Page 161</p> <p>1 PRESENT (Continued):</p> <p>2</p> <p>3 STOKES &amp; WAGNER, ALC,</p> <p>4 (903 Hanshaw Road,</p> <p>5 Ithaca, New York 14850,</p> <p>6 607-257-5165), by:</p> <p>7 MR. PAUL ERIC WAGNER,</p> <p>8 pwagner@stokeswagner.com,</p> <p>9 appeared via Zoom Video Conference on</p> <p>10 behalf of the Defendant FSR</p> <p>11 International Hotels, Inc.</p> <p>12</p> <p>13 ALSO PRESENT:</p> <p>14 MS. AMANDA YONUSHATIS, The Videographer.</p> <p>15</p> <p>16 REPORTED BY: JACQUELINE M. TIMMONS,</p> <p>17 C.S.R., R.M.R., R.D.R.</p> <p>18 Certificate No. 84-2949.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 163</p> <p>1 Q. When did they become involved in the</p> <p>2 Four Seasons Santa Barbara?</p> <p>3 A. I don't recall.</p> <p>4 Q. Is the Four Seasons Santa Barbara also</p> <p>5 closed for renovations?</p> <p>6 A. Four Seasons Santa Barbara closed on the</p> <p>7 same date as Four Seasons New York under the local</p> <p>8 mandate, and it remains closed. During the</p> <p>9 closure, with all the uncertainties with COVID, we</p> <p>10 decided to work on some CapEx projects to improve</p> <p>11 the infrastructure.</p> <p>12 Q. When did you decide to keep the hotel</p> <p>13 closed for capital improvement projects for Four</p> <p>14 Seasons Hotel New York?</p> <p>15 MR. BOLAND: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I don't recall the timing.</p> <p>18 BY MR. BRUSTEIN:</p> <p>19 Q. Was it before or after the medical</p> <p>20 personnel left?</p> <p>21 MR. BOLAND: Same objection.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I can't give you a clear cut answer, as</p> <p>24 there were projects that were in progress already</p>
<p style="text-align: right;">Page 162</p> <p>1 THE VIDEOGRAPHER: We are going back on the</p> <p>2 record at 1:31 p.m.</p> <p>3 MR. BRUSTEIN: Can I trouble you for what the</p> <p>4 last question was, Ms. Timmons.</p> <p>5 THE REPORTER: Sure.</p> <p>6 (WHEREUPON, the record was read</p> <p>7 by the reporter as requested.)</p> <p>8 CATHY HWANG,</p> <p>9 called as a witness herein, having been previously</p> <p>10 duly sworn and having testified, was examined and</p> <p>11 testified further as follows:</p> <p>12 EXAMINATION (Resumed)</p> <p>13 BY MR. BRUSTEIN:</p> <p>14 Q. Ms. Hwang, when was Solid Rock first</p> <p>15 retained?</p> <p>16 A. In 2019.</p> <p>17 Q. And were they only retained for the Four</p> <p>18 Seasons Hotel New York, or were they retained for</p> <p>19 any other properties or entities?</p> <p>20 A. To best of my recollection, they started</p> <p>21 with Four Seasons New York and --</p> <p>22 Q. Where did they go?</p> <p>23 A. Then they moved on to -- they also</p> <p>24 started looking at the Four Seasons Santa Barbara.</p>	<p style="text-align: right;">Page 164</p> <p>1 and in the plans, so I can't recall the timing.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. So you don't know if the decision to not</p> <p>4 reopen the hotel was made before or after the</p> <p>5 medical personnel left the Four Seasons Hotel New</p> <p>6 York?</p> <p>7 MR. BOLAND: Object to the form and assumes</p> <p>8 facts.</p> <p>9 BY THE WITNESS:</p> <p>10 A. Can you repeat your question, please.</p> <p>11 BY MR. BRUSTEIN:</p> <p>12 Q. You -- sitting here today you don't</p> <p>13 remember if the decision to not reopen the hotel so</p> <p>14 that capital improvement projects could occur was</p> <p>15 made before or after the medical personnel left the</p> <p>16 Four Seasons Hotel New York?</p> <p>17 MR. BOLAND: Same objection.</p> <p>18 BY THE WITNESS:</p> <p>19 A. There wasn't a clear cut timing of when</p> <p>20 the decisions were made, because the hotel closed</p> <p>21 due to COVID and then during the closure, you know,</p> <p>22 there were ongoing projects which continued. So</p> <p>23 there wasn't a clear cut decision to close the</p> <p>24 hotel for the projects. It -- it just kind of</p>



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<p style="text-align: right;">Page 165</p> <p>1 blurred one into the other. I think the --</p> <p>2 Q. Did you -- no, sorry.</p> <p>3 A. Yeah. I said I can't recall the exact</p> <p>4 timing.</p> <p>5 Q. When did COVID stop being a basis for Ty</p> <p>6 Warner Hotels &amp; Resorts to reopen Four Seasons</p> <p>7 Hotel New York?</p> <p>8 MR. BOLAND: Object to the form of the</p> <p>9 question and assumes facts.</p> <p>10 You can answer.</p> <p>11 BY THE WITNESS:</p> <p>12 A. It continued on for a long length of</p> <p>13 time, as we were concerned for the safety of the</p> <p>14 employees. And to reopen, it would also include</p> <p>15 the safety of the guests.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. Was there a certain time that you</p> <p>18 believed the hotel could reopen safely?</p> <p>19 A. We didn't have the safety protocols and,</p> <p>20 you know, plan that would ensure the safety of the</p> <p>21 guests. Four Seasons had presented a plan and</p> <p>22 ownership felt that it lacked, so the decision was</p> <p>23 to keep the hotel closed.</p> <p>24 Q. You said that ownership believed the</p>	<p style="text-align: right;">Page 167</p> <p>1 Q. It's a 54-page document that goes all</p> <p>2 the way through 9 -- WD 9427.</p> <p>3 MR. BOLAND: Okay.</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. And it's titled, COVID-19 Reopening</p> <p>6 Communications Guidance and Materials, Public</p> <p>7 Relations and Social Media, and it says it was last</p> <p>8 updated August 14, 2020.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Is this part of the -- or the materials</p> <p>12 that you received from Four Seasons about a</p> <p>13 proposal to reopen the hotel?</p> <p>14 MR. BOLAND: Objection, foundation.</p> <p>15 BY THE WITNESS:</p> <p>16 A. I don't recall if I've received this</p> <p>17 document before.</p> <p>18 BY MR. BRUSTEIN:</p> <p>19 Q. But you did receive a detailed plan</p> <p>20 about how to open the hotel in a way that Four</p> <p>21 Seasons claimed was safe, right?</p> <p>22 MR. BOLAND: Object to the form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. Initially I don't think we received any</p>
<p style="text-align: right;">Page 166</p> <p>1 plan lacked what?</p> <p>2 A. The proper safety protocol.</p> <p>3 Q. And when you say ownership, is that</p> <p>4 Mr. Warner?</p> <p>5 A. Yes.</p> <p>6 MR. BRUSTEIN: I'm now going to mark as</p> <p>7 Exhibit -- Hwang Exhibit 14. This is a new</p> <p>8 exhibit, so, unfortunately, you're going to have to</p> <p>9 download it, but it begins with WD 9374. And I'm</p> <p>10 sharing it in the chat box. This is a document</p> <p>11 that was just provided by the Warner defendants</p> <p>12 late yesterday, and so I was not able to provide it</p> <p>13 in advance.</p> <p>14 (WHEREUPON, a certain document was</p> <p>15 marked Hwang Deposition Exhibit</p> <p>16 No. 14, for identification, as of</p> <p>17 4/14/23.)</p> <p>18 MR. BRUSTEIN: So I've shared it in the chat</p> <p>19 box and I'm also going to open it so that you can</p> <p>20 look at this. I'm going to share my screen.</p> <p>21 MR. BOLAND: What is it again? I see</p> <p>22 something -- is it 8 -- was it 9374 something?</p> <p>23 MR. BRUSTEIN: 9374.</p> <p>24 BY MR. BRUSTEIN:</p>	<p style="text-align: right;">Page 168</p> <p>1 plan from Four Seasons.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. I'm talking about in the summer of 2020.</p> <p>4 Are you claiming that you didn't receive any plans</p> <p>5 in the summer of 2020 about reopening the hotel?</p> <p>6 A. As it relates to safety protocol, I</p> <p>7 don't believe it was initially included in their</p> <p>8 proposal to reopen.</p> <p>9 Q. Prior to reopening the hotel to medical</p> <p>10 staff that were working in the hospitals with</p> <p>11 people dying from COVID, were any safety protocols</p> <p>12 put in place to make sure that the hotel's</p> <p>13 employees and the medical personnel could maintain</p> <p>14 safety?</p> <p>15 A. Are you referring to prior to March</p> <p>16 of 2020?</p> <p>17 Q. No. I'm referring to prior to</p> <p>18 Mr. Warner's decision to open the hotel to medical</p> <p>19 personnel, were there safety protocols put in place</p> <p>20 so that the hotel employees could be safe when they</p> <p>21 housed the doctors and nurses who were treating the</p> <p>22 people dying in the New York City hospitals from</p> <p>23 COVID-19?</p> <p>24 A. There were safety plans presented by the</p>

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<p style="text-align: right;">Page 169</p> <p>1 hotel. I don't know if it was implemented and the  2 timing of it.  3 Q. Did the hotel hire scientific experts to  4 make sure that there was a safety protocol to keep  5 everyone safe or as safe as possible?  6 A. Yes, they hired a third-party expert.  7 Q. Did Ty Warner Hotel &amp; Resorts also hire  8 a safety protocols expert?  9 A. No. We relied on our hospitality  10 advisors.  11 Q. And when you say your hospitality  12 advisors, who are they?  13 A. Solid Rock.  14 Q. Now, Four Seasons Hotel relied on Johns  15 Hopkins University's medical and scientific  16 experts, right?  17 A. Yes.  18 Q. And you opposed their reopening plans  19 because of Solid Rock and their expertise?  20 MR. BOLAND: Object to the form of the  21 question.  22 BY THE WITNESS:  23 A. Four Seasons presented Lead With Care,  24 which was a global plan. It wasn't tailored to the</p>	<p style="text-align: right;">Page 171</p> <p>1 MR. BOLAND: Object to the form.  2 BY THE WITNESS:  3 A. The contacts with employees were  4 minimized. Third party services were engaged to  5 clean up guest rooms. There were no changing of  6 linens. Four Seasons employees would simply drop  7 off clean linens outside the medical professional's  8 door, but not enter the rooms itself.  9 BY MR. BRUSTEIN:  10 Q. Is Sebastian a doctor?  11 A. I don't know.  12 Q. Is he a nurse?  13 A. I don't know.  14 Q. Does he have a science degree of any  15 kind?  16 A. I don't recall.  17 Q. Was he brought in specifically because  18 of COVID-19?  19 MR. BOLAND: Object to the form.  20 BY THE WITNESS:  21 A. I don't know. He's an employee of Solid  22 Rock.  23 BY MR. BRUSTEIN:  24 Q. As an officer of a hotel corporation,</p>
<p style="text-align: right;">Page 170</p> <p>1 hotel specifically.  2 BY MR. BRUSTEIN:  3 Q. It was in consultation with Johns  4 Hopkins University's medical and scientific  5 advisors, though, correct?  6 A. That's what I was informed.  7 Q. Are you aware of the medical and  8 scientific expertise of Solid Rock?  9 A. There was an employee who looked into  10 and researched safety devices and safety protocols  11 from Solid Rock.  12 Q. What was that employee's science --  13 scientific or medical background?  14 A. I don't know.  15 Q. And when you say they looked into, did  16 they Google stuff?  17 A. I don't know.  18 Q. What's the name of this employee?  19 A. His first name's Sebastian. I don't  20 recall his last name.  21 Q. Did Mr. Warner have concerns about  22 opening up the -- the hotel to the medical workers  23 at the time that he had employees working in the  24 hotel?</p>	<p style="text-align: right;">Page 172</p> <p>1 you relied on Sebastian's expertise in determining  2 whether or not it was safe to reopen the Four  3 Seasons Hotel New York?  4 MR. BOLAND: Objection, vague.  5 BY THE WITNESS:  6 A. As I stated before, the Lead With Care  7 plan was not tailored to the hotel. I don't think  8 it was suitable for the hotel.  9 BY MR. BRUSTEIN:  10 Q. Did you rely on Sebastian's COVID-19  11 expertise in determining whether or not it was safe  12 to reopen the Santa Barbara property?  13 MR. BOLAND: Same objection.  14 BY THE WITNESS:  15 A. Same thing with Santa Barbara, there was  16 no specific plan presented for the property.  17 BY MR. BRUSTEIN:  18 Q. Other than Sebastian, maybe Googling  19 COVID --  20 MR. BOLAND: That's not what he said.  21 MR. BRUSTEIN: Excuse me. I'm going to ask  22 the questions and you can --  23 MR. BOLAND: I know what you're doing. I know  24 what you're doing. Sorry.</p>

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<p style="text-align: right;">Page 173</p> <p>1 MR. BRUSTEIN: I'm glad that you know how a  2 deposition works.  3 MR. BOLAND: No, I know what you're doing. I  4 know what you're doing.  5 MR. BRUSTEIN: You know, we're going to call  6 the court if you continue to act in this manner.  7 It's inappropriate. And I've asked you repeatedly  8 not to disrupt the deposition. Can you control  9 yourself and limit yourself to objection and if you  10 need to direction your witness not to answer a  11 question, but keep your commentary and your  12 laughter and your head nods and other coaching of  13 the witness out of this, please.  14 MR. BOLAND: Not happening.  15 You can answer.  16 Ask your questions.  17 BY MR. BRUSTEIN:  18 Q. Are you aware of any other efforts that  19 were made by Ty Warner Hotels &amp; Resorts; Hotel 57  20 Services, LLC; Hotel 57, LLC; yourself; Mr. Warner  21 or Solid Rock to figure out how to safely reopen  22 the Four Seasons Hotel New York other than  23 Sebastian Googling?  24 MR. BOLAND: Object to the form.</p>	<p style="text-align: right;">Page 175</p> <p>1 Q. I'm sorry, you said you requested that?  2 A. Yes.  3 Q. And did they?  4 A. There may have been another revised plan  5 more detailed out, but, again, we didn't feel that  6 it was appropriate for the hotel.  7 Q. What about --  8 A. Ownership felt --  9 Q. Sorry.  10 A. Ownership felt that it wasn't  11 appropriate for the hotel.  12 Q. And when you say "ownership," is that  13 Sebastian or Mr. Warner or someone else?  14 A. Sebastian is not ownership. I'd say --  15 Q. So is that --  16 A. -- Mr. Warner and myself.  17 Q. What objection did Mr. Warner and you  18 have to the safety protocols that were offered or  19 suggested by the Four Seasons proposal?  20 A. I don't recall the specifics.  21 Q. Did you write them down anywhere?  22 A. I don't think so.  23 Q. Did you e-mail the Four Seasons your  24 objections to their plans so they could try and</p>
<p style="text-align: right;">Page 174</p> <p>1 BY THE WITNESS:  2 A. I did not say Sebastian Googled. I  3 don't know if he Googled.  4 BY MR. BRUSTEIN:  5 Q. So he may not have even Googled?  6 A. I don't know what he did for his  7 research. I don't know.  8 Q. So it could have been more or less than  9 even Googling?  10 A. I don't know.  11 Q. So are you aware of anything  12 specifically that was done to research how to  13 safely reopen the Four Seasons Hotel New York after  14 March of 2020?  15 MR. BOLAND: Object to the form.  16 BY THE WITNESS:  17 A. Can you repeat your question, please.  18 BY MR. BRUSTEIN:  19 Q. Are you aware of anything specifically  20 that was done to research how to safely reopen the  21 Four Seasons Hotel New York after March of 2020?  22 A. Ownership asked the operator to come  23 back with a plan that's specific for the hotel and  24 tailored to the hotel's needs.</p>	<p style="text-align: right;">Page 176</p> <p>1 address it?  2 A. Again, to my recollection, we requested  3 a more tailored plan of safety proposals for the --  4 for Four Seasons New York.  5 Q. Right, but you testified they gave you a  6 more detailed plan and that one still didn't suit  7 your needs, right?  8 MR. BOLAND: Object to the form.  9 BY THE WITNESS:  10 A. I meant -- I meant a plan that's  11 tailored for the hotel. We didn't -- we didn't  12 feel that it was tailored at all for the hotel.  13 BY MR. BRUSTEIN:  14 Q. Right. That was about the first plan I  15 thought. Was that about the second plan, as well?  16 A. Yes.  17 Q. So did you give them specific objections  18 as to why it wasn't tailored specifically to the  19 Four Seasons Hotel New York?  20 A. I gave them general comments, no. So no  21 specifics.  22 Q. And did you provide those in writing?  23 Or verbally over the phone?  24 A. I don't recall.</p>

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<p style="text-align: right;">Page 177</p> <p>1 Q. Well, if you were concerned about the</p> <p>2 specifics and making sure that it was properly</p> <p>3 conveyed, did you give them written instructions so</p> <p>4 they could follow the objections that you and</p> <p>5 Mr. Warner had and try to reopen the hotel safely?</p> <p>6 MR. BOLAND: Object to the form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. It may have been over a phone call.</p> <p>9 That's why I don't recall if it was e-mail or phone</p> <p>10 call. I can't recall.</p> <p>11 BY MR. BRUSTEIN:</p> <p>12 Q. How many plans were offered by the Four</p> <p>13 Seasons to reopen the Four Seasons Hotel New York?</p> <p>14 A. I don't recall.</p> <p>15 Q. Was it more or less than five?</p> <p>16 A. Are we including informal plans?</p> <p>17 Q. Let's start with formal plans.</p> <p>18 A. Over the course of three years, I -- I</p> <p>19 can't tell you if it was higher or lower than five.</p> <p>20 Q. Informal plans reduced to writing, more</p> <p>21 or less than five?</p> <p>22 A. Informal plans which did not include</p> <p>23 projections, financial projections and market</p> <p>24 analysis, including those, I would say over five.</p>	<p style="text-align: right;">Page 179</p> <p>1 it lacked profitability for the hotel to reopen at</p> <p>2 those points in time.</p> <p>3 Q. Was there a specific price point that</p> <p>4 you required, that Mr. Warner required in the</p> <p>5 proposal, to be able to reopen the Four Seasons</p> <p>6 Hotel New York?</p> <p>7 MR. BOLAND: Object to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. The hotel is a business. We would</p> <p>10 expect the business to make a profit in order to</p> <p>11 reopen.</p> <p>12 BY MR. BRUSTEIN:</p> <p>13 Q. Is it your testimony that every proposal</p> <p>14 put forth by the Four Seasons included Mr. Warner</p> <p>15 taking a loss?</p> <p>16 A. They gave multiple year projections, and</p> <p>17 in the initial years, it certainly would take a</p> <p>18 loss.</p> <p>19 Q. How long did the proposals say it would</p> <p>20 be before the hotel would be profitable?</p> <p>21 A. I don't recall.</p> <p>22 Q. Did you ever discuss getting paycheck</p> <p>23 protection funding?</p> <p>24 A. Discuss with whom?</p>
<p style="text-align: right;">Page 178</p> <p>1 Q. Did Mr. Warner accept any of those</p> <p>2 plans?</p> <p>3 A. No.</p> <p>4 Q. Did Mr. Warner reject every single plan,</p> <p>5 both the informal and the formal ones presented by</p> <p>6 Four Seasons to reopen the Four Seasons Hotel New</p> <p>7 York since March 2020?</p> <p>8 MR. BOLAND: Object to the form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. Yes.</p> <p>11 BY MR. BRUSTEIN:</p> <p>12 Q. Did he have the same objections for each</p> <p>13 plan, or was there -- were the plans getting closer</p> <p>14 to Mr. Warner's criteria to be able to reopen the</p> <p>15 hotel?</p> <p>16 MR. BOLAND: Object to the form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. When you say plan, do you mean the</p> <p>19 reopening plan in general or just the safety</p> <p>20 protocol plans?</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. The reopening plan.</p> <p>23 A. So for the reopening plan, if it</p> <p>24 includes financial projections, we felt that it --</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. With Mr. Warner.</p> <p>2 A. Yes.</p> <p>3 Q. What did that conversation consist of?</p> <p>4 A. He was open to it.</p> <p>5 Q. Is there a reason that you did not</p> <p>6 seek -- did you seek PPP funding for the employees</p> <p>7 of the hotel?</p> <p>8 A. We found out the hotel would not qualify</p> <p>9 for the program.</p> <p>10 Q. How come?</p> <p>11 A. Head count. It was not considered a</p> <p>12 small business.</p> <p>13 Q. Now, is it your testimony that the New</p> <p>14 York Four Seasons is -- the New York Hotel Four</p> <p>15 Seasons is -- sorry, the Four Seasons Hotel New</p> <p>16 York is not causing a loss for Mr. Warner as it</p> <p>17 sits shuttered?</p> <p>18 A. There's a loss.</p> <p>19 Q. Based on the projections from the Four</p> <p>20 Seasons, is it more of a loss for the Four Seasons</p> <p>21 Hotel New York to remain shuttered or for it to</p> <p>22 reopen?</p> <p>23 MR. BOLAND: No, object to the form.</p> <p>24 BY THE WITNESS:</p>

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<p style="text-align: right;">Page 181</p> <p>1 A. I don't recall all the different</p> <p>2 scenarios that were presented, but it was not</p> <p>3 profitable in the initial years.</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. You would agree it's not profitable for</p> <p>6 the hotel to remain closed as well, though, right?</p> <p>7 A. Yes.</p> <p>8 Q. But sitting here today as the chief</p> <p>9 financial officer for Ty Warner Hotels &amp; Resorts</p> <p>10 and Hotel 57, LLC, and Hotel 57 Services, LLC, you</p> <p>11 can't say with any degree of certainty whether it's</p> <p>12 more or less profitable for the hotel to have</p> <p>13 reopened or to have remained closed under any of</p> <p>14 the proposals put forth by Four Seasons?</p> <p>15 MR. BOLAND: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Can you repeat your question again.</p> <p>18 BY MR. BRUSTEIN:</p> <p>19 Q. You testified that you're an officer in</p> <p>20 all of the Warner entities involved in the</p> <p>21 ownership of the Four Seasons Hotel New York,</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. And you're the chief financial officer</p>	<p style="text-align: right;">Page 183</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. I'm going to -- I'm going to break down</p> <p>3 with date numbers, okay, but I'm going to use small</p> <p>4 ones to make this simple. If it cost Mr. Warner \$2</p> <p>5 a day to keep the hotel closed, but reopening the</p> <p>6 hotel would only cost him \$1 a day, would</p> <p>7 Mr. Warner and Ty Warner Hotels &amp; Resorts still</p> <p>8 keep the hotel closed because it was losing a</p> <p>9 dollar a day?</p> <p>10 MR. BOLAND: Object to the form. And no</p> <p>11 foundation and assumes facts.</p> <p>12 You can answer.</p> <p>13 BY THE WITNESS:</p> <p>14 A. As an officer of the company, I would</p> <p>15 advise Mr. Warner to select the option that would</p> <p>16 minimize his loss and maximize his profitability.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. So you would, under that scenario,</p> <p>19 recommend reopening the hotel?</p> <p>20 MR. BOLAND: Objection, incomplete</p> <p>21 hypothetical.</p> <p>22 You can answer.</p> <p>23 BY THE WITNESS:</p> <p>24 A. If it was going to -- but, again, it</p>
<p style="text-align: right;">Page 182</p> <p>1 for each of those entities?</p> <p>2 A. I'm the chief financial officer for just</p> <p>3 Ty Warner Hotels &amp; Resorts.</p> <p>4 Q. Oh, you're not the chief financial</p> <p>5 officer for the other entities?</p> <p>6 A. No.</p> <p>7 Q. As the officer for all of those entities</p> <p>8 and the chief financial officer for Ty Warner</p> <p>9 Hotels &amp; Resorts, sitting here today, you can't say</p> <p>10 whether it's profit -- it's more profitable for the</p> <p>11 hotel to remain shuttered or to reopen?</p> <p>12 MR. BOLAND: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. We weren't going to open up the hotel</p> <p>15 knowing that it's not going to be profitable.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. So even if it was less profitable to</p> <p>18 remain shuttered, you wouldn't open up the hotel</p> <p>19 for a loss?</p> <p>20 MR. BOLAND: Object to the form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. If it was less profitable, is that what</p> <p>23 you said? I don't understand.</p> <p>24 Can you repeat your question.</p>	<p style="text-align: right;">Page 184</p> <p>1 would not be Mr. Warner's decision to open up the</p> <p>2 hotel. It would be the Four Seasons' decision to</p> <p>3 open up the hotel.</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. Just without any money?</p> <p>6 MR. BOLAND: Well, object to the form, assumes</p> <p>7 facts.</p> <p>8 BY THE WITNESS:</p> <p>9 A. Four Seasons can get their money if they</p> <p>10 like. No one is stopping them from, you know,</p> <p>11 seeking financing to open up the hotel.</p> <p>12 BY MR. BRUSTEIN:</p> <p>13 Q. Is it your position the Four Seasons</p> <p>14 could just go ahead and pay the employees if they</p> <p>15 wanted?</p> <p>16 A. Yes, they paid their employees what they</p> <p>17 want.</p> <p>18 Q. And you're referring to the employees of</p> <p>19 the Four Seasons Hotel New York?</p> <p>20 A. I'm referring to -- I'm sorry? Can you</p> <p>21 repeat your question.</p> <p>22 Q. The employees of the Four Seasons --</p> <p>23 sorry. The employees of the Four Seasons Hotel New</p> <p>24 York.</p>



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<p style="text-align: right;">Page 185</p> <p>1 MR. BOLAND: Object to the form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. All I heard was employees to the Four</p> <p>4 Seasons Hotel New York.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. You asked who I was referring to, which</p> <p>7 employees. So I'm referring -- you're saying the</p> <p>8 Four Seasons could pay the employees of the Four</p> <p>9 Seasons Hotel New York if the Four Seasons wanted</p> <p>10 to?</p> <p>11 A. Yes. It's up to Four Seasons to decide</p> <p>12 what employees are paid.</p> <p>13 Q. And so it's not just Ty Warner Hotels &amp;</p> <p>14 Resorts' responsibility to pay the employees of</p> <p>15 Four Seasons Hotel New York?</p> <p>16 MR. BOLAND: Object to the form of the</p> <p>17 question.</p> <p>18 BY THE WITNESS:</p> <p>19 A. Ty Warner Hotels &amp; Resorts is providing</p> <p>20 funding for operating deficits, including payroll,</p> <p>21 during closure. Ty Warner Hotels &amp; Resorts does</p> <p>22 not get to decide what employees are paid.</p> <p>23 It is up to Four Seasons to decide what</p> <p>24 employees are paid.</p>	<p style="text-align: right;">Page 187</p> <p>1 A. You have to take the businesses, the</p> <p>2 head count for the businesses collectively --</p> <p>3 Q. When you --</p> <p>4 A. -- to apply for PPP.</p> <p>5 Q. I'm sorry?</p> <p>6 A. You have to count the head count of all</p> <p>7 the employees for all the businesses collectively.</p> <p>8 You can't say there's just -- we'll apply for a</p> <p>9 program for 12 employees. So for --</p> <p>10 Q. When you say all the businesses, do you</p> <p>11 mean the 30 or 40 entities that Mr. Warner has?</p> <p>12 A. Right.</p> <p>13 Q. Is it your position that the employees</p> <p>14 at the time that the Four Seasons Hotel New York</p> <p>15 and the Four Seasons in Santa Barbara are part of</p> <p>16 the same entity?</p> <p>17 MR. BOLAND: Object to the form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. I think you're confusing the program.</p> <p>20 That's not how it works. It's not by entity. It's</p> <p>21 by number of employees.</p> <p>22 BY MR. BRUSTEIN:</p> <p>23 Q. And so do you consider the Four Seasons</p> <p>24 Hotel New York employees and the Four Seasons Santa</p>
<p style="text-align: right;">Page 186</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. Did Ty Warner Hotels &amp; Resorts, LLC,</p> <p>3 receive any PPP money?</p> <p>4 A. No.</p> <p>5 Q. Did they lay off any employees during</p> <p>6 the pandemic?</p> <p>7 A. Yes.</p> <p>8 Q. How many?</p> <p>9 A. I would say half the department.</p> <p>10 Q. How many people is that?</p> <p>11 A. Approximately five.</p> <p>12 Q. Is there a reason Ty Warner Hotels &amp;</p> <p>13 Resorts did not apply for PPP money for those five</p> <p>14 employees?</p> <p>15 A. It didn't qualify.</p> <p>16 Q. How come?</p> <p>17 A. Head count.</p> <p>18 Q. How many employees work at Ty Warner</p> <p>19 Hotels &amp; Resorts?</p> <p>20 A. Right now there's probably about a</p> <p>21 dozen. At the time I think there were less.</p> <p>22 Q. So what -- what was your understanding</p> <p>23 of how many employees was the cutoff for PPP</p> <p>24 eligibility?</p>	<p style="text-align: right;">Page 188</p> <p>1 Barbara employees all under the Ty Warner Hotels &amp;</p> <p>2 Resorts umbrella as employees of Ty Warner Hotels?</p> <p>3 MR. BOLAND: Sorry, object to the form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. Four Seasons' employees do not fall</p> <p>6 under the umbrella of Ty Warner Hotels &amp; Resorts,</p> <p>7 LLC.</p> <p>8 BY MR. BRUSTEIN:</p> <p>9 Q. So what employees prevented Ty Warner</p> <p>10 Hotels &amp; Resorts from qualifying for PPP money?</p> <p>11 A. It would be all the different</p> <p>12 businesses, like I said, but they do not fall under</p> <p>13 the umbrella of Ty Warner Hotels &amp; Resorts.</p> <p>14 Q. Do they fall under Ty Company?</p> <p>15 MR. BOLAND: Object to the form.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. Do they fall under Ty, Inc.?</p> <p>18 MR. BOLAND: Same objection.</p> <p>19 BY THE WITNESS:</p> <p>20 A. No.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. What company do they fall under?</p> <p>23 A. They fall into the individual legal</p> <p>24 entities.</p>

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<p style="text-align: right;">Page 189</p> <p>1 Q. Did you actually try and apply for PPP  2 money for Ty Warner Hotels &amp; Resorts?  3 A. Yes. We looked into it, but we didn't  4 actually apply for it.  5 Q. Did you submit an application for the  6 employees of the Four Seasons Hotel New York?  7 A. No. Again, their --  8 Q. Why not?  9 A. -- head count was too high.  10 MR. BRUSTEIN: Now, let's take a five-minute  11 break.  12 THE WITNESS: Okay.  13 THE VIDEOGRAPHER: We are going off the record  14 at 2:07 p.m.  15 (WHEREUPON, a recess was had.)  16 THE VIDEOGRAPHER: We're going back on the  17 record at 2:15 p.m.  18 BY MR. BRUSTEIN:  19 Q. Okay. At this point I'm going to ask  20 that the witness be shown what has previously, or  21 I'm going to ask that you mark Exhibit 5 as Hwang  22 Exhibit 5, please.  23 And I'll share it with electronic  24 sharing.</p>	<p style="text-align: right;">Page 191</p> <p>1 Warner Hotels &amp; Resorts?  2 A. Yes.  3 Q. Can you please explain to me what you  4 mean when you say each individual entity by itself  5 didn't qualify.  6 A. So you would have to take TWH, Ty Warner  7 Hotels &amp; Resorts employees, along with employees of  8 other businesses. In aggregate, we didn't qualify.  9 Q. When you say other businesses, are you  10 referring to the Four Seasons Hotel New York  11 employees in the aggregate or not?  12 A. There's other businesses like Ty, Inc.,  13 Montecito Country Club and, you know, other  14 properties out in Santa Barbara, as well.  15 Q. How many employees did Ty, Inc., have  16 back in January of 2020?  17 A. I'd say it was about 200.  18 Q. So combining Ty, Inc., and Ty Warner  19 Hotels &amp; Resorts, you're about 212. That's still  20 less than the number of employees that your law  21 firm that received the PPP money, right?  22 A. Right.  23 Q. Now, did you actually submit an  24 application on behalf of any of the entities that</p>
<p style="text-align: right;">Page 190</p> <p>1 (WHEREUPON, a certain document was  2 marked Hwang Deposition Exhibit  3 No. 5, for identification, as of  4 4/14/23.)  5 THE REPORTER: Here's the marked original.  6 MR. BOLAND: Okay. Thanks.  7 THE REPORTER: Okay.  8 BY MR. BRUSTEIN:  9 Q. Smith Gambrell &amp; Russell, that's the  10 firm that is representing you today, right?  11 A. Yes.  12 Q. Did you know that they got \$5.47 million  13 in PPP money?  14 A. No.  15 Q. And do you see that they were actually  16 forgiven the \$5.53 million, so the entire amount  17 plus interest?  18 A. Yes.  19 Q. And if you look down at the bottom of  20 the first page, do you see it says 263 jobs  21 reported?  22 A. Yes.  23 Q. You would agree that that is a lot more  24 than the 12 that you said were employed by Ty</p>	<p style="text-align: right;">Page 192</p> <p>1 you are an officer for?  2 A. I think the question you should ask is,  3 what prevented us from filing for PPP.  4 Q. Sure. What prevented you from filing  5 for PPP?  6 A. One of the criteria is that if there's  7 alternate source of financing available to an owner  8 like Ty Warner, then you would not qualify.  9 Q. What would alternate source -- what  10 alternate source of financing precluded the  11 companies from getting PPP?  12 A. If he was able to apply for a loan at a  13 bank and get approved, and he would, then he  14 wouldn't qualify for the small business PPP loan.  15 Q. So is it your testimony that your  16 attorneys couldn't apply for a loan at a bank, but  17 Mr. Warner was so unique that only he could get a  18 loan from a bank?  19 MR. BOLAND: Object to the form.  20 BY THE WITNESS:  21 A. Can you repeat your question again,  22 please.  23 BY MR. BRUSTEIN:  24 Q. Are you claiming that your own attorneys</p>

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<p style="text-align: right;">Page 193</p> <p>1 couldn't get a loan from a bank and that's the only  2 reason that they applied for PPP money?  3 Withdrawn.  4 A. I don't know.  5 Q. Are you claiming that PPP money was only  6 given out to companies that could not get loans  7 from banks?  8 MR. BOLAND: Object to the form.  9 BY THE WITNESS:  10 A. That's not what I'm claiming.  11 BY MR. BRUSTEIN:  12 Q. So let me ask my question again. Did  13 you, as an officer of any of the 30 to 40 Warner  14 entities, apply on behalf of any of those entities  15 for a PPP loan?  16 A. Like I say, we didn't qualify. You have  17 to take all the employees of businesses in  18 aggregate. And we exceeded the head count, so we  19 did not qualify initially even with that criteria.  20 Q. And where did you determine that you did  21 not qualify and that all of your employees of the  22 30 to 40 entities had to be combined?  23 A. Where did I determine that, is that what  24 you asked?</p>	<p style="text-align: right;">Page 195</p> <p>1 MR. BRUSTEIN: Okay. Now, I'm going to mark  2 as Exhibit 9, Hwang Exhibit 9 at this deposition,  3 and I will put it into the chat, as well.  4 MR. BOLAND: Do we have a copy of that one or  5 not?  6 THE REPORTER: Yes.  7 MR. BOLAND: Okay.  8 (WHEREUPON, a certain document was  9 marked Hwang Deposition Exhibit  10 No. 9, for identification, as of  11 4/14/23.)  12 BY MR. BRUSTEIN:  13 Q. I'm going to share my screen so we can  14 start looking at it.  15 MR. BRUSTEIN: Mr. Boland, you may recognize  16 the heading.  17 THE REPORTER: One for you.  18 MR. BOLAND: Okay. Here you go.  19 THE WITNESS: Thank you.  20 BY MR. BRUSTEIN:  21 Q. Yeah. I'm just going to direct your  22 attention to the middle of the first page. This is  23 a Freeborn alert. It's a client alert. And that's  24 your attorney's prior firm, right?</p>
<p style="text-align: right;">Page 194</p> <p>1 Q. Yes.  2 A. I don't understand the question.  3 Q. How did you come to that decision that  4 none of your companies, even if Ty, Inc., and Ty  5 Warner Hotels &amp; Resorts were combined they had 220  6 employees or so --  7 A. We exceeded --  8 Q. -- could not --  9 MR. BOLAND: Wait. Wait. You have to let him  10 finish the question.  11 THE WITNESS: Okay.  12 BY MR. BRUSTEIN:  13 Q. So how did you determine that you  14 exceeded that amount?  15 A. I aggregated the head count of all the  16 employees of Mr. Warner's businesses, and we  17 exceeded the head count requirement.  18 Q. Now, were you aware that the PPP head  19 count was only per location?  20 MR. BOLAND: Object to the form.  21 BY THE WITNESS:  22 A. I was informed that it's not per  23 location, but you need to look at his businesses in  24 aggregate.</p>	<p style="text-align: right;">Page 196</p> <p>1 A. Yes.  2 Q. And it describes who is eligible, and it  3 says (a) 500 employees total (including all  4 affiliate entities) or 500 employees per location  5 for certain industries (including hotels and  6 restaurants).  7 Now, the Four Seasons properties you  8 talked about are hotels, right?  9 A. Yes.  10 Q. Did you ever look into applying for PPP  11 money for the Four Seasons Hotel New York?  12 A. Yes.  13 Q. When did you do that?  14 A. In 2020.  15 Q. Did you complete an application?  16 A. No.  17 Q. Why not?  18 A. Four Seasons provided their employee  19 head count, and it exceeded the head count -- head  20 count requirement, so it was not filed.  21 Q. So it's your testimony that the hotel  22 had more than 500 employees?  23 A. Yes.  24 Q. Now, is there a reason you didn't apply</p>

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<p style="text-align: right;">Page 197</p> <p>1 for PPP for Ty, Inc., and Ty Warner Hotels &amp; 2 Resorts since the hotels wouldn't have been 3 included in those numbers? 4 MR. BOLAND: Object to the form. 5 BY THE WITNESS: 6 A. Mr. Warner also owns golf courses, 7 country clubs, and there's employees at those 8 locations, as well. 9 BY MR. BRUSTEIN: 10 Q. Are those considered restaurants? 11 A. Country clubs and golf courses. 12 Q. Now, in terms of the PPP loan money, 13 were you responsible for looking into whether or 14 not to apply for Four Seasons Hotel New York? 15 MR. BOLAND: Object to the form. 16 BY THE WITNESS: 17 A. Yes, I looked into it. 18 BY MR. BRUSTEIN: 19 Q. And why did you take on that 20 responsibility? 21 A. It's a financial responsibility. 22 Q. I'm going to go back to showing you 23 Exhibit 1. I'm sharing my screen, and we had left 24 off on page 17, but I would like to go to page 20,</p>	<p style="text-align: right;">Page 199</p> <p>1 BY MR. BRUSTEIN: 2 Q. And what did you tell him? 3 A. That we -- the hotel is closed, and 4 after the doctors and nurses leave, that we would 5 continue on with the CapEx projects, the capital 6 projects. 7 Q. Was the hotel operating at a loss prior 8 to COVID? 9 A. Yes. 10 Q. Has the hotel been operating at a loss 11 since 2017 when Ms. Snopek first raised concerns 12 about the management of the hotel? 13 A. Yes. 14 Q. Now, in June of 2020, is there a reason 15 that the medical state program ended? 16 A. I think that was when COVID spike was 17 starting to decline, and we felt that, you know, 18 we've given support to the doctors and nurses. 19 But, again, you know, we couldn't continue forever. 20 So Ty Warner decided to end the program on 21 June 30th. 22 Q. Now, was -- are you saying that by the 23 end of June 2020, COVID was starting to recede? 24 MR. BOLAND: Object to the form, vague.</p>
<p style="text-align: right;">Page 198</p> <p>1 which is Bates stamp No. WD 9122. 2 And this is an e-mail from Mr. Tauscher 3 to you indicating that the hotel is discontinuing 4 the medical state program as of June 30, 2020, and 5 that the hotel would go into temporary closure 6 until the end of August or early September. 7 Do you see that? 8 A. Yes. 9 Q. At that point did you tell Mr. Tauscher 10 that Mr. Warner did not want to reopen the hotel? 11 MR. BOLAND: Object to the form, assumes 12 facts. 13 BY THE WITNESS: 14 A. I communicated to Four Seasons 15 corporate. 16 BY MR. BRUSTEIN: 17 Q. Who at Four Seasons corporate did you 18 communicate with in June of 2020 to let them know 19 that Mr. Warner did not want to reopen the hotel? 20 MR. BOLAND: Object to the form and assumes 21 facts. 22 BY THE WITNESS: 23 A. I don't recall if it was June of 2020, 24 but I would have spoke to Antoine Chahwan.</p>	<p style="text-align: right;">Page 200</p> <p>1 BY THE WITNESS: 2 A. It was lower than March. I'm not saying 3 that it was going away. That was not the case. 4 BY MR. BRUSTEIN: 5 Q. Is it your testimony that the doctors 6 and nurses no longer needed a place to stay? 7 MR. BOLAND: Object to the form. 8 BY THE WITNESS: 9 A. No, that's not what I said. 10 BY MR. BRUSTEIN: 11 Q. Mr. Warner -- did Mr. Warner tell you 12 that he had gotten enough positive press that it 13 was time to shut it down? 14 A. No, that's not what he said. 15 Q. Was Mr. Warner no longer concerned about 16 the doctors and nurses that were fighting on the 17 front lines? 18 MR. BOLAND: Objection, foundation. 19 BY THE WITNESS: 20 A. No, that's not what he said. 21 BY MR. BRUSTEIN: 22 Q. Did he need to sell any of his assets to 23 be able to maintain the doctors and nurses that 24 were fighting the pandemic?</p>

**CATHY HWANG**  
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**201-204**

<p style="text-align: right;">Page 201</p> <p>1 A. Sell his properties, is that what you're  2 referring to?  3 Q. Yes.  4 A. No.  5 Q. So he could afford to keep it open if he  6 had wanted to; he just thought it was enough of his  7 help?  8 MR. BOLAND: Object to the form.  9 BY THE WITNESS:  10 A. Four Seasons Hotel New York is a  11 business. And it was -- with the pandemic and  12 COVID and what was happening in New York,  13 Mr. Warner was very generous and opened up his  14 luxury hotel to first responders in New York. He  15 didn't have to do that.  16 BY MR. BRUSTEIN:  17 Q. Is there a reason he wasn't as generous  18 with his own employees?  19 MR. BOLAND: Object to the form of the  20 question.  21 BY THE WITNESS:  22 A. No. I don't understand your question.  23 BY MR. BRUSTEIN:  24 Q. Is it your testimony that the hotel will</p>	<p style="text-align: right;">Page 203</p> <p>1 we didn't -- we felt that it was not accurate, that  2 it was unrealistic at the time and it was  3 unachievable.  4 I mean, some of these projections came  5 in, you know, prior -- very early on when, you  6 know, we didn't know what was going to happen with  7 COVID.  8 BY MR. BRUSTEIN:  9 Q. When you say experts, is that Sebastian  10 or other people?  11 A. Sebastian is not a financial expert. It  12 would be other people. We had other firms besides  13 Solid Rock assessing the hotel's projections and  14 the New York market.  15 Q. Did those other experts provide you an  16 analysis of the Four Seasons reopening plan?  17 A. Yes.  18 Q. And did they do that orally or did they  19 provide you with written documentation in support  20 of their analysis?  21 A. Written documentations.  22 Q. And do you still have copies of that  23 written documentation?  24 A. Yes.</p>
<p style="text-align: right;">Page 202</p> <p>1 only reopen if it's profitable?  2 MR. BOLAND: Object to the form.  3 BY THE WITNESS:  4 A. Again, it's -- Four Seasons Hotel New  5 York is a business, and to conduct a business,  6 there should be profits. It would be irresponsible  7 for me to advise Mr. Warner to open up the hotel  8 when it would not make money.  9 And to rely on projections, there's no  10 guarantee that those projections are accurately  11 estimating when the market may rebound.  12 BY MR. BRUSTEIN:  13 Q. Does that position hold true for the  14 Santa Barbara property, as well?  15 A. Again, the projections, there are no  16 guarantees on when the market would rebound and  17 start making money.  18 Q. So even if the projection said  19 Mr. Warner would make money, that wouldn't be  20 sufficient to reopen the hotel?  21 MR. BOLAND: Objection, vague.  22 BY THE WITNESS:  23 A. We had third party experts, experts  24 within hospitality reviewing those projections, and</p>	<p style="text-align: right;">Page 204</p> <p>1 Q. And is that documentation supporting  2 your decision not to reopen the hotel?  3 MR. BOLAND: Object to the form. That assumes  4 facts.  5 You can answer.  6 BY THE WITNESS:  7 A. Yes.  8 BY MR. BRUSTEIN:  9 Q. And you've preserved those documents?  10 A. Yes.  11 Q. Does Mr. Warner have any intention of  12 reopening the hotel with Four Seasons as the  13 operator?  14 MR. BOLAND: Objection, foundation.  15 You can answer.  16 BY THE WITNESS:  17 A. Ownership and operator have been  18 actively discussing and negotiating on the  19 reopening.  20 BY MR. BRUSTEIN:  21 Q. You testified earlier that you commenced  22 a lawsuit to terminate the operating and hotel  23 management agreement with the Four Seasons, right?  24 A. Right.</p>



**CATHY HWANG**  
**SELENA STALEY -against- FOUR SEASONS HOTELS**

**April 14, 2023**  
**205-208**

<p style="text-align: right;">Page 205</p> <p>1 MR. BOLAND: Object to the form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Yes.</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. Is that litigation still ongoing?</p> <p>6 A. It's still ongoing, and the negotiations</p> <p>7 are still ongoing.</p> <p>8 Q. So are you still actively trying to</p> <p>9 terminate the relationship with the Four Seasons?</p> <p>10 MR. BOLAND: Object to the form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. As I had indicated, we're negotiating</p> <p>13 with Four Seasons on the reopening.</p> <p>14 BY MR. BRUSTEIN:</p> <p>15 Q. If you win your litigation and are able</p> <p>16 to terminate the agreement with Four Seasons, will</p> <p>17 Four Seasons still be the operator of the Four</p> <p>18 Seasons Hotel New York?</p> <p>19 MR. BOLAND: Objection, foundation.</p> <p>20 BY MR. BRUSTEIN:</p> <p>21 Q. You can answer.</p> <p>22 A. The lawsuit has been filed, but, again,</p> <p>23 we're still negotiating. We haven't terminated the</p> <p>24 relationship.</p>	<p style="text-align: right;">Page 207</p> <p>1 MR. BOLAND: Objection, no foundation.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I don't know how to say it otherwise.</p> <p>4 We're -- we're negotiating with Four Seasons.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. I'm asking you if you're successful in</p> <p>7 the litigation and you win and you terminate the</p> <p>8 hotel management agreement, do you understand that</p> <p>9 that means you would no longer have the Four</p> <p>10 Seasons Hotel New York in existence?</p> <p>11 MR. BOLAND: Objection, no foundation.</p> <p>12 You can answer.</p> <p>13 BY THE WITNESS:</p> <p>14 A. We have paused on litigating, and we're</p> <p>15 negotiating with Four Seasons.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. Have you withdrawn your request to</p> <p>18 terminate the negotiation -- terminate the</p> <p>19 management agreement?</p> <p>20 A. No, it -- we're negotiating with Four</p> <p>21 Seasons currently, and --</p> <p>22 Q. What's the status --</p> <p>23 A. -- we're doing that very actively.</p> <p>24 Q. What's the status of those negotiations?</p>
<p style="text-align: right;">Page 206</p> <p>1 Q. Did you file that lawsuit in good faith?</p> <p>2 MR. BOLAND: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Yes.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. And one of the things that you asked for</p> <p>7 in that lawsuit was for the Four Seasons to not</p> <p>8 operate the Four Seasons Hotel New York, correct?</p> <p>9 MR. BOLAND: Objection, foundation.</p> <p>10 BY THE WITNESS:</p> <p>11 A. Yes.</p> <p>12 BY MR. BRUSTEIN:</p> <p>13 Q. So, then, one of your intentions is for</p> <p>14 the Four Seasons Hotel New York to never be opened</p> <p>15 by the Four Seasons, right?</p> <p>16 MR. BOLAND: Object to the form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. We're negotiating with Four Seasons to</p> <p>19 reopen the hotel. If the negotiation is</p> <p>20 successful, we will reopen with Four Seasons.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. And if the lawsuit is successful, you</p> <p>23 will not reopen the Four Seasons Hotel New York as</p> <p>24 a Four Seasons, right?</p>	<p style="text-align: right;">Page 208</p> <p>1 A. It's been ongoing.</p> <p>2 Q. Sitting here today, do you know whether</p> <p>3 the hotel is going to ever open again?</p> <p>4 A. Mr. Warner wants the hotel open. Four</p> <p>5 Seasons wants the hotel open. The hotel will</p> <p>6 reopen. The hotel will reopen. It's just a</p> <p>7 question of when, and it would depend on the</p> <p>8 negotiations.</p> <p>9 Q. Well, Mr. Warner wants the hotel to</p> <p>10 reopen. Does he want it to reopen as a Four</p> <p>11 Seasons, or does he just want it to open as a</p> <p>12 successful hotel no matter who manages it?</p> <p>13 MR. BOLAND: Objection, foundation.</p> <p>14 MR. BRUSTEIN: You really got to stop after</p> <p>15 ever question objecting like this. The next time</p> <p>16 you do it, I'm calling the court.</p> <p>17 MR. BOLAND: We'll take transcript from the</p> <p>18 last three depositions of your clients and we'll</p> <p>19 compare them, shall we?</p> <p>20 You may answer.</p> <p>21 MR. BRUSTEIN: I'm happy to go toe to toe with</p> <p>22 you in court, Mr. Boland, but this is my</p> <p>23 deposition. And I'm going to ask you for the lat</p> <p>24 time to stop having speaking objections.</p>

**CATHY HWANG**  
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**April 14, 2023**  
**209-212**

<p style="text-align: right;">Page 209</p> <p>1 MR. BOLAND: I'm not speaking objections. I</p> <p>2 put a legal basis on the record. Nothing more.</p> <p>3 Nothing less. Seriously.</p> <p>4 MR. BRUSTEIN: Okay. We're going to go off</p> <p>5 record. We're going to call the court.</p> <p>6 THE VIDEOGRAPHER: We are going off record at</p> <p>7 2:42 p.m.</p> <p>8 (WHEREUPON, discussion was had</p> <p>9 off the video record as follows:)</p> <p>10 MR. BOLAND: This is counting against your</p> <p>11 time.</p> <p>12 MR. BRUSTEIN: It's not. We're calling the</p> <p>13 court. When we call the court in other instances,</p> <p>14 that's not part of the time.</p> <p>15 MR. BOLAND: No, it's part of the time now.</p> <p>16 MR. BRUSTEIN: How do you figure?</p> <p>17 MR. BOLAND: Because it's your deposition.</p> <p>18 This is not a break. You're calling it and you're</p> <p>19 stopping it. I am doing nothing other than making</p> <p>20 an objection with a plain legal work for a legal</p> <p>21 objection. That's it, and not even all the time.</p> <p>22 MR. BRUSTEIN: I want -- are we on the record</p> <p>23 or are we off the record?</p> <p>24 THE REPORTER: I'm still on.</p>	<p style="text-align: right;">Page 211</p> <p>1 record, period.</p> <p>2 MR. BRUSTEIN: We're not in front of the</p> <p>3 judge. We're not in front of a jury.</p> <p>4 MR. BOLAND: Well, that's the entire point,</p> <p>5 right, to just preserve the legal ground, nothing</p> <p>6 more, nothing less.</p> <p>7 MR. BRUSTEIN: Vague is not an objection under</p> <p>8 the federal rules that you can interrupt the</p> <p>9 deposition for.</p> <p>10 MR. BOLAND: I'm not interrupting.</p> <p>11 MR. BRUSTEIN: You state objection --</p> <p>12 MR. BOLAND: I'm not interrupting. Honestly.</p> <p>13 It's an objection to the form of the question,</p> <p>14 that's all.</p> <p>15 MR. BRUSTEIN: All right. Please stop</p> <p>16 coaching the witness. Please stop interrupting the</p> <p>17 deposition, and please allow us to get through this</p> <p>18 so that Ms. Hwang can be finished at a reasonable</p> <p>19 hour.</p> <p>20 Okay. Can we go back on the record.</p> <p>21 MR. BOLAND: I don't think we were ever off.</p> <p>22 THE REPORTER: Well, we were off the video. I</p> <p>23 have this on the transcript if you want.</p> <p>24 MR. BOLAND: That's all right. Just continue.</p>
<p style="text-align: right;">Page 210</p> <p>1 MR. BOLAND: We're still on.</p> <p>2 THE REPORTER: I've been writing, so --</p> <p>3 THE VIDEOGRAPHER: Do you want me to go back</p> <p>4 on?</p> <p>5 THE REPORTER: Do you want it on -- we're not</p> <p>6 on video, but I'm on the record. Do you want the</p> <p>7 video on?</p> <p>8 MR. BRUSTEIN: I just want to make sure</p> <p>9 Mr. Boland's continuous obstruction is part of this</p> <p>10 record.</p> <p>11 MR. BOLAND: I'm not obstructing anything,</p> <p>12 counsel. I barely speak.</p> <p>13 MR. BRUSTEIN: You speak every single question</p> <p>14 with an insertion of your commentary on the type of</p> <p>15 question. The federal rules do not allow speaking</p> <p>16 objections. You can say objection. And if you</p> <p>17 need to say objection, do not answer, at that point</p> <p>18 you can say more. But you cannot continue to</p> <p>19 interrupt the deposition. It is inappropriate.</p> <p>20 MR. BOLAND: I think you're making --</p> <p>21 MR. BRUSTEIN: Let's go.</p> <p>22 MR. BOLAND: You're making a big deal out of a</p> <p>23 single word legal basis, of which I always thought</p> <p>24 you could put a legal basis for an objection on the</p>	<p style="text-align: right;">Page 212</p> <p>1 (WHEREUPON, the following</p> <p>2 proceedings were had back on the</p> <p>3 video record:)</p> <p>4 THE VIDEOGRAPHER: We are going back on the</p> <p>5 record at 2:44 p.m.</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. Thank you. I'm now showing you in the</p> <p>8 exhibit the next page.</p> <p>9 MR. BOLAND: Do you want to get to the paper?</p> <p>10 THE WITNESS: I'm not sure.</p> <p>11 MR. BOLAND: It was like three pages up from</p> <p>12 the last one.</p> <p>13 MR. BRUSTEIN: This is the twenty-first page.</p> <p>14 It's WD --</p> <p>15 MR. BOLAND: No, no, go the other way. Keep</p> <p>16 going, and then you can get to the one that he's</p> <p>17 got on the screen, which, "Hello Cathy, the hotel</p> <p>18 has 58 salaried."</p> <p>19 MR. BRUSTEIN: She can see the screen just as</p> <p>20 well as you can.</p> <p>21 THE WITNESS: Okay. I have it.</p> <p>22 MR. BOLAND: Okay.</p> <p>23 Is there a Bates number on this one?</p> <p>24 MR. BRUSTEIN: Yes, I already put it on the</p>

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**213-216**

<p style="text-align: right;">Page 213</p> <p>1 record. It's 90.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. Now, Ms. Hwang, why did you ask</p> <p>4 in March 2022 about who would be considered calling</p> <p>5 back when the hotel reopens?</p> <p>6 A. I don't recall.</p> <p>7 Q. Did you receive a list of who Elizabeth</p> <p>8 Ortiz said were the 58 salaried and hourly</p> <p>9 non-union employees that we would expect to recall?</p> <p>10 A. I don't recall if she provided a list.</p> <p>11 Q. Now, she -- she said in her e-mail many</p> <p>12 of the originally furloughed employees have moved</p> <p>13 on. Do you know what she meant by that?</p> <p>14 A. I -- I don't recall this e-mail, but,</p> <p>15 no, I don't know what she -- I could assume things,</p> <p>16 but I don't know exactly what she meant.</p> <p>17 Q. In -- in March of 2022, was there a path</p> <p>18 to reopening the hotel?</p> <p>19 A. Was there a path?</p> <p>20 Q. Yeah. Were you guys ready to reopen the</p> <p>21 hotel in March of 2022?</p> <p>22 MR. BOLAND: Object to the form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 215</p> <p>1 Mr. Warner has approved extending the health</p> <p>2 benefit coverage for two months for 22 employees</p> <p>3 who were recently furloughed.</p> <p>4 Do you see that at the top of the page?</p> <p>5 A. Yes.</p> <p>6 Q. Why did he only extend the health</p> <p>7 benefits coverage for two months?</p> <p>8 A. And just to be clear, Mr. Warner</p> <p>9 approved the funding for the health benefits, and</p> <p>10 that's what he approved.</p> <p>11 Q. So he approved what was asked for?</p> <p>12 MR. BOLAND: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I don't recall if they were asking for</p> <p>15 two months of health benefits.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. So my question is how did he decide on</p> <p>18 two months of health benefits being what's</p> <p>19 appropriate for the people that housed the medical</p> <p>20 professionals at the height of COVID?</p> <p>21 MR. BOLAND: Object to the form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I was reading up on what other companies</p> <p>24 were doing in the retail sector and various</p>
<p style="text-align: right;">Page 214</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. So was there something that happened</p> <p>3 that made you reach out to Ms. Ortiz to find out</p> <p>4 about the number of employees that might be called</p> <p>5 back?</p> <p>6 A. I don't recall the reason for this</p> <p>7 question that I asked her.</p> <p>8 Q. Had Mr. Warner asked you to look into</p> <p>9 it?</p> <p>10 A. I don't know. I -- I can't recall why I</p> <p>11 asked her this question.</p> <p>12 Q. Have you asked her this question on</p> <p>13 other occasions?</p> <p>14 A. I don't know.</p> <p>15 Q. Have you asked her this question since</p> <p>16 March of 2022?</p> <p>17 A. I don't recall.</p> <p>18 Q. Sitting here today, do you know what the</p> <p>19 current number of employees, non-union employees</p> <p>20 are who may be recalled?</p> <p>21 A. No.</p> <p>22 Q. Okay. Let's turn to the next page.</p> <p>23 This is WD 1147.</p> <p>24 Now, in this e-mail, you indicated that</p>	<p style="text-align: right;">Page 216</p> <p>1 industries. Some companies offered nothing, while</p> <p>2 other companies provided about two months in</p> <p>3 extension of their health benefits. And I --</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. When you say two --</p> <p>6 MR. BOLAND: Were you finished?</p> <p>7 BY MR. BRUSTEIN:</p> <p>8 Q. Are you --</p> <p>9 A. Yes. And I asked Mr. Warner if he would</p> <p>10 consider funding for two months of extension in</p> <p>11 health benefits package, considering what was going</p> <p>12 on in New York with COVID.</p> <p>13 Q. Now, you said other companies were</p> <p>14 paying two months. That was two month's salary</p> <p>15 that other companies were paying, right?</p> <p>16 A. No. Other companies were paying nothing</p> <p>17 for health benefits. And the -- while some</p> <p>18 companies paid up to and -- again, I'm sure there</p> <p>19 were other companies that paid even greater than</p> <p>20 two months, but it seemed that some of the retail</p> <p>21 sectors, like Macy's, I remember, and some of the</p> <p>22 other companies that I researched were offering two</p> <p>23 months of health benefits.</p> <p>24 Q. Now, in Ms. Ortiz's e-mail at the bottom</p>

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217-220

<p style="text-align: right;">Page 217</p> <p>1 of the page, it refers to a tax credit. I'm going 2 to highlight it on the screen. 3 Do you -- do you see where I've 4 highlighted? 5 A. Yes. 6 Q. You can proceed with your document. 7 What is the tax credit that Mr. Warner 8 or Ty Warner Hotels &amp; Resorts received during the 9 pandemic? 10 MR. BOLAND: Object to the form. 11 BY THE WITNESS: 12 A. It's the ERC credit, Employee Retention 13 Credit. 14 BY MR. BRUSTEIN: 15 Q. And what is that? 16 A. It's a tax refund from the government to 17 employers who are paying for benefits for their 18 furloughed employees. 19 Q. Was there a limit to how many months the 20 tax credit was for? 21 A. I don't know. 22 Q. Is it possible the tax credit could have 23 been more than two months? 24 MR. BOLAND: Object to the form.</p>	<p style="text-align: right;">Page 219</p> <p>1 they -- how many months of health benefits they 2 asked for or if they were specific in that request 3 at all, but -- okay. If -- I can't recall. 4 BY MR. BRUSTEIN: 5 Q. What does -- what does "temporary" mean 6 to you? 7 A. Temporary is not permanent. 8 Q. How long is temporary? 9 MR. BOLAND: Object to the form. 10 BY THE WITNESS: 11 A. I don't know. 12 BY MR. BRUSTEIN: 13 Q. When you worked for each of those 14 companies that you testified earlier that you 15 worked for, were you a temporary or a permanent 16 employee? 17 A. Permanent employee. 18 Q. Even the one that you only worked at for 19 three months? 20 A. Yes. 21 Q. Now, let's go to the next page -- 22 actually, two pages down. This is bearing Bates 23 stamp No. WD 1160, and I'm going to direct you to 24 the bottom of the page.</p>
<p style="text-align: right;">Page 218</p> <p>1 BY THE WITNESS: 2 A. I don't know. 3 BY MR. BRUSTEIN: 4 Q. Wouldn't that have been an important 5 thing to know before determining how many months of 6 benefits to provide out-of-work employees? 7 A. We value the employees at Four Seasons, 8 and this -- and we value their safety. And 9 continuing to, you know, have this relationship 10 with them after -- and we planned on recalling them 11 when the hotel reopens. I thought it would -- was 12 a great gesture on Mr. Warner's part to extend the 13 health benefits for these employees. 14 Q. My question, though, was if you ever 15 looked into how long the government would have 16 given you a tax credit for providing health 17 benefits to your out-of-work employees? 18 A. No, this was something that was 19 researched by Four Seasons. 20 Q. Did you know that Four Seasons requested 21 three months of health benefits coverage? 22 MR. BOLAND: Object to the form. 23 BY THE WITNESS: 24 A. As I stated before, I can't recall if</p>	<p style="text-align: right;">Page 220</p> <p>1 Do you see where it says FSNY estimated 2 cost for furloughed employees? 3 A. Yes. 4 Q. So the Four Seasons had actually 5 calculated how much it would cost to provide three 6 months of salary and health benefits for the 7 workers -- the employees, right? 8 A. Yes, they calculated the wages. 9 Q. And they even provided a 50 percent 10 reduction in salary in case Mr. Warner didn't want 11 to pay all of it, right? 12 MR. BOLAND: Object to the form. 13 BY THE WITNESS: 14 A. Where? I don't -- I don't see that. 15 BY MR. BRUSTEIN: 16 Q. Do you see the second column says wage 17 at 50 percent? 18 A. Oh, okay. Yes, I see that now. 19 Q. Now, going up to your e-mail, can you 20 please read what you wrote to Rudy. 21 A. "I discussed the proposed wages and 22 health benefits costs as presented in your e-mail 23 with Mr. Warner. He approved the standard health 24 benefits for furloughed employees for 2 months but</p>

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221-224

<p style="text-align: right;">Page 221</p> <p>1 no wages will be provided at this time." 2 Q. Did Mr. Warner tell you why he did not 3 want to provide wages? 4 A. The hotel is closed. There's no income 5 coming in. 6 Q. This was a global pandemic. Was he 7 concerned about how his employees would feed 8 themselves and their families and stay safe? 9 MR. BOLAND: Object to the form. 10 BY THE WITNESS: 11 A. He's not -- he's not required to pay 12 wages of employees while they're not working. 13 BY MR. BRUSTEIN: 14 Q. Well -- 15 A. He's not required to pay health benefits 16 of employees while they're not working. 17 Q. If Mr. Warner reopened the hotel, would 18 he be paying the wages and benefits of the 19 employees? 20 MR. BOLAND: Object to the form of the 21 question. 22 BY THE WITNESS: 23 A. If employees are working, then they 24 would be earning their wages.</p>	<p style="text-align: right;">Page 223</p> <p>1 MR. BOLAND: Object to the form of the 2 question. 3 BY THE WITNESS: 4 A. Employees are eligible for severance if 5 they were permanently separated. 6 BY MR. BRUSTEIN: 7 Q. How many years does the hotel need to be 8 closed before you consider the employees to be 9 permanently separated? 10 MR. BOLAND: Object to the form. 11 BY THE WITNESS: 12 A. The hotel is not permanently closed. 13 BY MR. BRUSTEIN: 14 Q. My question was, how long do you believe 15 employees should remain on furlough and out of work 16 before they're eligible for the no fault separation 17 pay that they have worked towards -- 18 MR. BOLAND: Objection. 19 BY MR. BRUSTEIN: 20 Q. -- for years -- 21 MR. BOLAND: I'm sorry. I didn't know you 22 were finished. 23 BY MR. BRUSTEIN: 24 Q. -- years and sometimes decades?</p>
<p style="text-align: right;">Page 222</p> <p>1 BY MR. BRUSTEIN: 2 Q. Do you believe that continuing to keep 3 the hotel closed is hurting the employees? 4 MR. BOLAND: Object to the form of the 5 question. 6 BY THE WITNESS: 7 A. Do you mean the furloughed employees? 8 BY MR. BRUSTEIN: 9 Q. Yes, the employees that are not working 10 at the hotel. 11 MR. BOLAND: Same objection. 12 BY THE WITNESS: 13 A. They're free to find other jobs. 14 BY MR. BRUSTEIN: 15 Q. Are you aware of the no fault separation 16 pay compensation? 17 MR. BOLAND: Object to the form. 18 BY THE WITNESS: 19 A. I've read the subsection in the EmPact 20 Agreement for Four Seasons. 21 BY MR. BRUSTEIN: 22 Q. Would Mr. Warner pay the no fault 23 separation pay for employees who found other jobs 24 because the hotel has still not reopened?</p>	<p style="text-align: right;">Page 224</p> <p>1 MR. BOLAND: Object to the form. 2 BY THE WITNESS: 3 A. Would you please repeat the question. 4 MR. BRUSTEIN: Can I have that read back, 5 please. 6 (WHEREUPON, the record was read 7 by the reporter as requested.) 8 BY THE WITNESS: 9 A. As I stated earlier, employees are 10 eligible for severance if they are permanently 11 separated. So I don't know how long that would 12 mean, except for if the permanent -- if the hotel 13 was permanently closed, or if the employees were 14 permanently separated, which is not the case here. 15 BY MR. BRUSTEIN: 16 Q. If you win the litigation and terminate 17 the hotel management agreement, would the employees 18 be entitled to no fault separation pay? 19 MR. BOLAND: Object to the form of the 20 question. 21 BY THE WITNESS: 22 A. We would recall those employees. 23 BY MR. BRUSTEIN: 24 Q. Even if the hotel didn't operate by the</p>



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**225-228**

<p style="text-align: right;">Page 225</p> <p>1 Four Seasons?</p> <p>2 A. Yes. As long as --</p> <p>3 Q. Would you --</p> <p>4 A. -- they would want a job, we would</p> <p>5 recall those employees.</p> <p>6 Q. And would they still be entitled to no</p> <p>7 fault separation pay?</p> <p>8 A. No, we would recall those employees and</p> <p>9 offer them jobs.</p> <p>10 Q. So none of these employees are entitled</p> <p>11 to severance?</p> <p>12 MR. BOLAND: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Can you clarify your question?</p> <p>15 BY MR. BRUSTEIN:</p> <p>16 Q. It's your position that all of the</p> <p>17 furloughed workers or all the employees are still</p> <p>18 on furlough if they haven't found another job?</p> <p>19 MR. BOLAND: Object to the form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. As long as they didn't resign, they're</p> <p>22 still on furlough.</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. Why would any employee have to resign if</p>	<p style="text-align: right;">Page 227</p> <p>1 A. Okay. They're allowed to work now</p> <p>2 during the term of their furlough.</p> <p>3 Q. And would the Four Seasons Hotel New</p> <p>4 York reach out to every one of those workers if the</p> <p>5 hotel ever reopened and say to them, you have a</p> <p>6 right to come back to the hotel if you want?</p> <p>7 A. Is this assuming that Four Seasons would</p> <p>8 continue to manage the hotel? Because your other</p> <p>9 question stated otherwise.</p> <p>10 Q. Let's start with if Four Seasons</p> <p>11 continued to manage the hotel.</p> <p>12 A. Okay. I can't direct the Four Seasons</p> <p>13 to call their employees. That would be Four</p> <p>14 Seasons' decision.</p> <p>15 Q. Okay. And if it was not operated by the</p> <p>16 Four Seasons, would you be calling every employee</p> <p>17 that had gotten a new job to see if they want to</p> <p>18 exercise their right to be recalled?</p> <p>19 A. I would have to consult with Mr. Warner,</p> <p>20 but my recommendation would be under a new brand,</p> <p>21 yes, let's reach out to those employees, as long as</p> <p>22 Four Seasons does not object -- does not object to</p> <p>23 reaching out to those employees and offering them</p> <p>24 positions.</p>
<p style="text-align: right;">Page 226</p> <p>1 the hotel is closed?</p> <p>2 MR. BOLAND: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I would guess if they wanted to take a</p> <p>5 position at, say, another Four Seasons Hotel</p> <p>6 downtown, for instance, then they would resign from</p> <p>7 their position at this location and move on to</p> <p>8 their new jobs.</p> <p>9 BY MR. BRUSTEIN:</p> <p>10 Q. If they took a job not at a Four</p> <p>11 Seasons, let's say they took it at a restaurant,</p> <p>12 when you claim the hotel is going to reopen, would</p> <p>13 you reach out to employee to offer them their job</p> <p>14 back even though they were working at a restaurant?</p> <p>15 MR. BOLAND: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. We would recall the employees and offer</p> <p>18 them positions. Employees are --</p> <p>19 BY MR. BRUSTEIN:</p> <p>20 Q. Is your testimony --</p> <p>21 A. Employees are free to work at other</p> <p>22 jobs. This doesn't interfere after they're</p> <p>23 recalled. They're allowed to moonlight.</p> <p>24 Q. My question is not about moonlighting.</p>	<p style="text-align: right;">Page 228</p> <p>1 Q. But sitting here today, you haven't had</p> <p>2 any conversations with Mr. Warner about whether or</p> <p>3 not the employees would have an automatic right to</p> <p>4 recall if the hotel opened not with Four Seasons?</p> <p>5 A. We haven't ruled out any possibilities</p> <p>6 of Four Seasons. We still have an ongoing</p> <p>7 negotiation with them.</p> <p>8 Q. But you haven't had conversations with</p> <p>9 Mr. Warner to determine whether or not the</p> <p>10 employees would have that right or not. That's</p> <p>11 still open for discussion?</p> <p>12 MR. BOLAND: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. No, we haven't had that discussion.</p> <p>15 BY MR. BRUSTEIN:</p> <p>16 Q. All right. Let's turn ahead. I believe</p> <p>17 it's three pages. Page 26. Maybe it's two pages.</p> <p>18 WD 4202.</p> <p>19 This is an e-mail from Sharon Brambrut</p> <p>20 about New York State COVID sick leave.</p> <p>21 Why is Ms. Brambrut e-mailing you about</p> <p>22 a COVID sick leave policy --</p> <p>23 MR. BOLAND: Object.</p> <p>24 BY MR. BRUSTEIN:</p>

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**229-232**

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1 Q. -- if you have no --  
2 MR. BOLAND: Sorry. Go ahead. I apologize.  
3 BY MR. BRUSTEIN:  
4 Q. -- if you have no oversight of  
5 employee's sick time?  
6 MR. BOLAND: Object to the form.  
7 BY THE WITNESS:  
8 A. This would be for funding purposes for  
9 payroll. Employees' COVID sick time would be  
10 included in that payroll expense.  
11 BY MR. BRUSTEIN:  
12 Q. Now, does the closure of the Santa  
13 Barbara location have anything to do with the Four  
14 Seasons Hotel New York closure?  
15 MR. BOLAND: Object to the form.  
16 BY THE WITNESS:  
17 A. Four Seasons Santa Barbara was closed  
18 for the same reason Four Seasons New York was  
19 closed. It was due to COVID.  
20 BY MR. BRUSTEIN:  
21 Q. But does it remain closed today because  
22 the owner does not believe it's profitable enough  
23 to reopen?  
24 MR. BOLAND: Object to the form.

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1 BY THE WITNESS:  
2 A. There are capital projects at the hotel,  
3 and we also want to make sure that the hotel is  
4 profitable when it opens.  
5 BY MR. BRUSTEIN:  
6 Q. Two completely separate properties, but  
7 the same exact excuses for not reopening?  
8 MR. BOLAND: Object to the form.  
9 BY THE WITNESS:  
10 A. I didn't say they were excuses. You  
11 did.  
12 BY MR. BRUSTEIN:  
13 Q. I did. But I'm saying, same reasons for  
14 not reopening the two?  
15 A. Yes.  
16 Q. When did the Four Seasons -- when did  
17 Mr. Warner shift his reasoning for not reopening  
18 from COVID to capital projects and profitability?  
19 MR. BOLAND: Object to the form of the  
20 question.  
21 BY THE WITNESS:  
22 A. I don't agree that that's all in the  
23 same order. And, again, I don't recall the timing  
24 of these events.

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1 BY MR. BRUSTEIN:  
2 Q. Let's turn to the next page, which is  
3 WD 9102. This e-mail says that ownership approved  
4 the employee talking points.  
5 MR. BOLAND: The -- object to the form.  
6 BY MR. BRUSTEIN:  
7 Q. I'm just talking about that first line.  
8 Do you see that?  
9 A. The first line, yes.  
10 Q. That the ownership approved the employee  
11 talking points?  
12 A. Yes, I see the first line.  
13 Q. Why was ownership approval required for  
14 employee talking points?  
15 MR. BOLAND: Object to the form.  
16 BY THE WITNESS:  
17 A. I know how things are stated in the  
18 e-mails, and sometimes it's purposeful on my part,  
19 but I realize that I don't have the authority to  
20 make these decisions.  
21 If ownership did not approve the media  
22 statements, Four Seasons still has the authority to  
23 proceed with the media statements as they see fit.  
24 BY MR. BRUSTEIN:

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1 Q. So would it be fair to say you were  
2 misrepresenting your authority in this e-mail?  
3 MR. BOLAND: Object to form.  
4 BY THE WITNESS:  
5 A. I wouldn't say that I'm misrepresenting.  
6 I would say that I think it -- ownership should  
7 have input. Whether Four Seasons accepts that or  
8 not, it's their decision.  
9 BY MR. BRUSTEIN:  
10 Q. Well --  
11 A. But given --  
12 Q. -- the e-mail --  
13 MR. BOLAND: Were you done? Were you done or  
14 not?  
15 THE WITNESS: No.  
16 BY THE WITNESS:  
17 A. Given that ownership is funding the  
18 hotel during closure, I feel that ownership should  
19 have more input.  
20 BY MR. BRUSTEIN:  
21 Q. Well, this e-mail appears to be  
22 Mr. Chahwan seeking your approval before sharing it  
23 with the team, right?  
24 MR. BOLAND: Object to the form.

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**233-236**

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1 BY THE WITNESS:  
2 A. If you read his e-mail, that's not  
3 exactly what he says. He's not looking for my  
4 approval.  
5 BY MR. BRUSTEIN:  
6 Q. Mr. Chahwan was not involved in the  
7 Santa Barbara property, right?  
8 A. No.  
9 Q. But why is he -- why is Santa Barbara  
10 part of your conversation with Mr. Chahwan?  
11 A. Because Mr. Chahwan works very closely  
12 with a colleague of his who oversees the Santa  
13 Barbara property.  
14 Q. And what does that have to do with  
15 approving employee talking points for the New York  
16 hotel?  
17 MR. BOLAND: Object to the form.  
18 BY THE WITNESS:  
19 A. I think he was just consulting with his  
20 colleague. I don't know.  
21 BY MR. BRUSTEIN:  
22 Q. Have all of the other Ty Warner  
23 properties reopened except the Santa Barbara  
24 location and the Four Seasons Hotel New York?

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1 MR. BOLAND: Object to the form.  
2 BY THE WITNESS:  
3 A. They're reopened now, yes.  
4 BY MR. BRUSTEIN:  
5 Q. When did they reopen?  
6 MR. BOLAND: Object to the form.  
7 BY THE WITNESS:  
8 A. Actually, I have to correct my  
9 statement. Coral Casino still remains closed.  
10 BY MR. BRUSTEIN:  
11 Q. Why is that one closed?  
12 A. It's going through construction.  
13 Q. How long has that construction been  
14 going on?  
15 A. Over two years.  
16 Q. Does Mr. Warner use the losses on these  
17 properties for tax benefit purposes?  
18 MR. BOLAND: Object to the form of the  
19 question.  
20 BY THE WITNESS:  
21 A. I do think -- I think some of his legal  
22 entities roll up to his personal taxes, but, again,  
23 I'm not certain. That would have to be discussed  
24 with the tax advisor.

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1 BY MR. BRUSTEIN:  
2 Q. Have you ever reviewed Mr. Warner's  
3 personal taxes?  
4 A. No, Mr. Warner signs off on his personal  
5 taxes.  
6 Q. So you've never seen Mr. Warner's tax --  
7 personal taxes?  
8 A. I've not reviewed his personal taxes.  
9 Q. Give me one moment.  
10 I'm now introducing as exhibit -- a  
11 document that I've asked to be shown to the  
12 witness.  
13 MR. BOLAND: Do we have a copy of this one or  
14 not?  
15 MR. BRUSTEIN: Yes, you do.  
16 THE REPORTER: What number?  
17 MR. BRUSTEIN: No. 7.  
18 (WHEREUPON, a certain document was  
19 marked Hwang Deposition Exhibit  
20 No. 7, for identification, as of  
21 4/14/23.)  
22 MR. BOLAND: Thanks.  
23 BY MR. BRUSTEIN:  
24 Q. Now, I'm going to share this in a

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1 minute. Do you see this document in front of you?  
2 A. And you're not sharing your screen with  
3 me.  
4 Q. I know. I didn't know if you had the  
5 copy in front of you. I'll share it.  
6 A. Oh, I have a copy.  
7 Q. This says it's the declaration of Cathy  
8 Hwang in Support of H. Ty Warner's Notice of  
9 Removal.  
10 A. Yes.  
11 Q. And if you look at the last page, it's  
12 signed by Cathy Hwang.  
13 A. Yes.  
14 Q. Is that your signature?  
15 A. That's my signature.  
16 Q. And this is a declaration for another  
17 lawsuit that you were involved in?  
18 A. Yes.  
19 Q. It's not one of the lawsuits that you  
20 mentioned earlier when I asked you about that,  
21 though, correct?  
22 A. I'm not involved in that personally.  
23 This is a personal matter. It's not for one of his  
24 businesses.

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**237-240**

<p style="text-align: right;">Page 237</p> <p>1 Q. So are you involved in it in a personal  2 way or in a business way?  3 MR. BOLAND: Object to the form.  4 BY THE WITNESS:  5 A. Like I said, I can't recall every single  6 legal matter for Mr. Warner and that was the reason  7 why I said I couldn't -- you know, that it would be  8 a guess.  9 BY MR. BRUSTEIN:  10 Q. But when you completed this declaration,  11 you knew it was important to be truthful, right?  12 A. Yes.  13 Q. And you swore to tell the truth that  14 everything in this document was true and accurate,  15 right?  16 A. Yes.  17 Q. And that's the same oath that you took  18 today to tell the truth, right?  19 A. Yes.  20 Q. Can you please read paragraph No. 11 --  21 it's on the third page -- aloud for the record.  22 A. "On all personal and business paperwork  23 about which I am aware, including his personal tax  24 returns, Mr. Warner has listed his office address</p>	<p style="text-align: right;">Page 239</p> <p>1 BY MR. BRUSTEIN:  2 Q. I'm not asking you about whether or not  3 he's paying what he should in taxes. I'm asking  4 about your testimony and whether or not you  5 actually reviewed his tax returns.  6 A. I consulted with his tax accountant and  7 asked if he files in Illinois.  8 Q. A moment ago you said you reviewed it  9 for his address. Was that not accurate?  10 A. I said I may have reviewed it for his  11 address. I don't recall positively.  12 Q. When you submitted a declaration in  13 California, the Central District of California  14 Federal Court, not everything that you've said in  15 there was based on your personal knowledge?  16 MR. BOLAND: Object to the form.  17 BY THE WITNESS:  18 A. It's based on my personal knowledge.  19 BY MR. BRUSTEIN:  20 Q. So you had reviewed his personal tax  21 returns to know what he listed as his business  22 address and his home address; is that correct?  23 MR. BOLAND: Object to the form.  24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 238</p> <p>1 in Westmont, Illinois or his home address in Oak  2 Brook, Illinois as address of record."  3 Q. Was that statement based on your  4 personal knowledge?  5 A. Yes.  6 Q. So had you actually reviewed  7 Mr. Warner's personal tax returns to know what he  8 had listed as his address?  9 A. I looked at all his documentation for  10 his residency and his address.  11 Q. Had you looked at his tax returns?  12 A. I spoke with his advisor, and I may have  13 seen a copy, and I just reviewed to make sure that  14 his Illinois address was listed, because this was  15 one of the questions that came up in terms --  16 Q. So when you test -- sorry.  17 A. -- in terms of his residency.  18 Q. So you reviewed his personal tax returns  19 for purposes of residency?  20 MR. BOLAND: Object to the form.  21 BY THE WITNESS:  22 A. I didn't -- I do not review his personal  23 tax runs for accuracy or even content. That's up  24 to his tax advisor to do so.</p>	<p style="text-align: right;">Page 240</p> <p>1 A. To be clear, I may have gained this  2 personal knowledge through the tax accountant. I  3 can't recall if I actually saw -- saw his tax  4 return. And if I did, then it would have been for  5 the address.  6 BY MR. BRUSTEIN:  7 Q. So when you testified today that you had  8 not reviewed his personal tax returns, you don't  9 know sitting here today if that testimony was true?  10 A. So I guess it would have -- it would  11 depend on whether you're asking me how I am  12 reviewing his tax return.  13 Q. I just asked you if you reviewed. And  14 you said --  15 A. I said I don't review Mr. Warner's tax  16 returns. He signs off on them.  17 Q. And I asked if you ever had, and you  18 said no, right?  19 A. That's right.  20 Q. I didn't ask if you reviewed it for  21 accuracy.  22 A. Okay.  23 Q. Now, do you know if Mr. Warner has paid  24 California taxes?</p>

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**241-244**

<p style="text-align: right;">Page 241</p> <p>1 THE VIDEOGRAPHER: Oh, something's going on.  2 We have to go off very quickly.  3 MR. BRUSTEIN: I'm sorry. I can't --  4 MR. BOLAND: I think she's almost out of time.  5 THE REPORTER: She needs to go off the record.  6 THE VIDEOGRAPHER: Going off the record at  7 3:24 p.m.  8 (WHEREUPON, discussion was had  9 off the record.)  10 THE VIDEOGRAPHER: We will go back on.  11 Going back on the record at 3:25 p.m.  12 BY MR. BRUSTEIN:  13 Q. Do you need the question read back to  14 you?  15 A. Yes, please.  16 (WHEREUPON, the record was read  17 by the reporter as requested.)  18 BY THE WITNESS:  19 A. I don't know.  20 BY MR. BRUSTEIN:  21 Q. Now, does Mr. Warner have a home office  22 in California?  23 MR. BOLAND: Object to the form.  24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 243</p> <p>1 A. Yes.  2 Q. And does he work out of the Westmont  3 location currently?  4 A. No, he has not been back here.  5 Q. When you communicate with Mr. Warner and  6 you send him business documents, where do you send  7 them?  8 A. To his Santa Barbara house.  9 Q. And what's the address of the Santa  10 Barbara house?  11 A. 1000 Channel Drive, Santa Barbara.  12 Q. Does he live at that house currently?  13 A. Yes.  14 Q. And for how many years consecutively has  15 he lived at that house?  16 MR. BOLAND: Object to the form.  17 BY THE WITNESS:  18 A. Since he went out there for holiday in  19 2019, before Christmas.  20 BY MR. BRUSTEIN:  21 Q. Now, you testified earlier that he --  22 the last time you saw him was January 2020. Did  23 you go out to California to see him in  24 January 2020?</p>
<p style="text-align: right;">Page 242</p> <p>1 A. Can you please clarify what you mean by  2 a home office.  3 BY MR. BRUSTEIN:  4 Q. Where do you understand Mr. Warner to be  5 residing?  6 MR. BOLAND: Object to the form.  7 BY THE WITNESS:  8 A. Mr. Warner has resided in Oak Brook,  9 Illinois, prior to 2020. He's been in Santa  10 Barbara since. He went out there for the holidays,  11 and then with the outbreak of COVID, he has not  12 traveled since.  13 BY MR. BRUSTEIN:  14 Q. That's a long holiday. Would you  15 consider that a temporary stay in California?  16 MR. BOLAND: Object to the form.  17 BY THE WITNESS:  18 A. Yes, he still has his home here.  19 BY MR. BRUSTEIN:  20 Q. Now, does Mr. Warner still work for Ty  21 Warner -- with Ty Warner Hotels &amp; Resorts and Ty,  22 Inc.?  23 A. Yes.  24 Q. I'm sorry?</p>	<p style="text-align: right;">Page 244</p> <p>1 A. Yes.  2 Q. The last time you had seen Mr. Warner,  3 was actually in California, not in Chicago?  4 A. Yes.  5 Q. Does Mr. Warner have a private jet?  6 A. Yes.  7 Q. Did he take his private jet from  8 Chicago, Illinois, to Santa Barbara back in 2019?  9 A. No. He flew commercial.  10 Q. Does he still have the private jet if he  11 wanted to use it?  12 A. Yes, but it's going under -- it's going  13 through maintenance.  14 Q. How many years has the jet been under  15 maintenance?  16 A. I -- I don't know.  17 Q. Is it also since the start of the  18 pandemic?  19 A. It was prior to the pandemic.  20 Q. Now, you said Mr. Warner went to Santa  21 Barbara for the holidays in 2019. Is there a  22 reason he didn't come back in January of 2020?  23 A. Yes. He stayed because he wanted to  24 look after Four Seasons Hotel in Santa Barbara.</p>



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**245-248**

<p style="text-align: right;">Page 245</p> <p>1 Q. So he wasn't staying there just for the</p> <p>2 holiday, then, if he was going to stay there after</p> <p>3 January 2020, right?</p> <p>4 MR. BOLAND: Object to the form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. He visited Santa Barbara for the</p> <p>7 holidays, and when he saw the state that Four</p> <p>8 Seasons Resort Santa Barbara was in, he was</p> <p>9 concerned about the deferred maintenance, and he</p> <p>10 decided to look after the hotel.</p> <p>11 BY MR. BRUSTEIN:</p> <p>12 Q. Was Mr. Warner working when he was in</p> <p>13 California?</p> <p>14 A. Mr. Warner is always working.</p> <p>15 Q. So when he's not in Chicago, does he</p> <p>16 have an office in California that he does work out</p> <p>17 of?</p> <p>18 MR. BOLAND: Object to the form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. He doesn't -- unless you consider his</p> <p>21 office in his house, he doesn't have a formal</p> <p>22 office out in California.</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. Does he have a home office in</p>	<p style="text-align: right;">Page 247</p> <p>1 BY THE WITNESS:</p> <p>2 A. He works remotely.</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. So let's go back to Exhibit 7 for a</p> <p>5 second. Paragraph 14, can you please read the</p> <p>6 first sentence.</p> <p>7 A. Did you ask me to read it out loud?</p> <p>8 Q. Yes, please.</p> <p>9 A. Okay. "Mr. Warner routinely works out of</p> <p>10 this office. Prior to the Covid-19 pandemic,</p> <p>11 Mr. Warner was in this office on a daily basis,</p> <p>12 unless he was traveling for business or personal</p> <p>13 reasons."</p> <p>14 Q. And that's referring to the 280 Chestnut</p> <p>15 Avenue office that you're currently sitting in,</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. You would agree that he has not, in the</p> <p>19 present tense, worked out of 280 Chestnut Avenue</p> <p>20 since 2019, right?</p> <p>21 A. Yes.</p> <p>22 Q. You didn't say that it had been, at that</p> <p>23 point, almost two years since he had worked out of</p> <p>24 that office, did you?</p>
<p style="text-align: right;">Page 246</p> <p>1 California?</p> <p>2 MR. BOLAND: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Can you clarify home office.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. You said office in home. I'm using your</p> <p>7 words just together.</p> <p>8 A. Okay.</p> <p>9 Q. Why don't you describe it.</p> <p>10 A. He has a room in his house that he uses</p> <p>11 with a computer.</p> <p>12 Q. Does it have a desk?</p> <p>13 A. Yes.</p> <p>14 Q. Telephone?</p> <p>15 A. Yes.</p> <p>16 Q. Printer?</p> <p>17 A. I don't know if there's a printer.</p> <p>18 Q. When you meet -- when you met with him</p> <p>19 in 2019 in California, where did you meet him?</p> <p>20 A. At his property out in San Ysidro Ranch.</p> <p>21 Q. Now, would it be fair to say that</p> <p>22 Mr. Warner does not routinely work in Chicago</p> <p>23 anymore?</p> <p>24 MR. BOLAND: Object to the form.</p>	<p style="text-align: right;">Page 248</p> <p>1 A. I don't -- I don't recall saying that it</p> <p>2 had been two years.</p> <p>3 Q. Do you think someone that hasn't been to</p> <p>4 a place in two years is still currently doing</p> <p>5 anything there?</p> <p>6 MR. BOLAND: Object to the form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I think how people work has changed</p> <p>9 since COVID.</p> <p>10 BY MR. BRUSTEIN:</p> <p>11 Q. Do you think Mr. Warner is with you in</p> <p>12 Westmont, Illinois, right now because of COVID?</p> <p>13 MR. BOLAND: Object to the form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. It started with the reason for COVID.</p> <p>16 He stopped travelling.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. I'm asking if because of COVID you think</p> <p>19 that means that you can say that he works in</p> <p>20 Chicago still or Westmont?</p> <p>21 A. He's not physically in the office, but</p> <p>22 he's working remotely with us.</p> <p>23 Q. That's not what you said in your federal</p> <p>24 filing that you swore to. So what I would like to</p>

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<p style="text-align: right;">Page 249</p> <p>1 know is whether you think it's a fair and truthful  2 statement in October or September of 2021 to say  3 that Mr. Warner routinely works out of this office  4 in Westmont, Illinois?  5 A. I read that as he worked out of this  6 office prior to COVID-19.  7 Q. When you just testified, I want to make  8 sure I heard you correctly, did you say worked,  9 "e-d," as in the past tense?  10 A. It -- it says here that he works out of  11 his office.  12 Q. Right, but when you testified --  13 A. I thought --  14 Q. -- that --  15 A. I thought that to mean that prior to  16 COVID, I'm stating that he was at this office  17 physically.  18 Q. Even though it's in the present tense  19 and not the past tense, you thought it meant past  20 tense? That's your testimony?  21 MR. BOLAND: Object to the form.  22 BY THE WITNESS:  23 A. I guess it's the spelling, then. I  24 didn't -- I didn't catch that to mean something</p>	<p style="text-align: right;">Page 251</p> <p>1 BY THE WITNESS:  2 A. I don't know if this is --  3 BY MR. BRUSTEIN:  4 Q. Which of it is your wording?  5 A. No. 3. No. 4.  6 Q. So that's your wording? You chose those  7 words or you know them to be true?  8 A. Like I said, I worked on it with  9 Mr. Warner, and those are my wording and some of it  10 is what I know to be true. I can't tell you if  11 every word was my word. It may have been revised.  12 Q. So Mr. Warner asked you to sign this for  13 him?  14 A. No, Mr. Warner's attorney asked if I  15 would sign this for him.  16 Q. All right. Now, let's go down to  17 paragraph 18. Can you please read that sentence  18 aloud.  19 A. "Mr. Warner does not consider any  20 property in California to be his home or primary  21 residence."  22 Q. You testified that you'd been to his  23 home in California, right?  24 A. Yes.</p>
<p style="text-align: right;">Page 250</p> <p>1 different than he was working in Westmont prior to  2 COVID-19.  3 BY MR. BRUSTEIN:  4 Q. Have you been to his home in Santa  5 Barbara?  6 A. Yes.  7 Q. How big is his Santa Barbara home?  8 A. I don't know.  9 Q. Before filling out this declaration, did  10 you understand that this was because Mr. Warner  11 wanted to have the case transferred back to  12 Chicago?  13 MR. BOLAND: Object to the form.  14 BY THE WITNESS:  15 A. No, I don't know the strategy or  16 whatever you're inferring.  17 BY MR. BRUSTEIN:  18 Q. Did someone tell you what to put in this  19 sworn declaration?  20 A. I worked on this with Mr. Warner's  21 attorney and some of this is my wording, as well.  22 Q. Which of it is Mr. Warner's attorney?  23 MR. BOLAND: So -- well, you signed it. You  24 can answer.</p>	<p style="text-align: right;">Page 252</p> <p>1 Q. So that sentence is not true, right?  2 MR. BOLAND: No, object to the form of the  3 question.  4 BY THE WITNESS:  5 A. I've been to his house in Santa Barbara  6 if we want to be precisely accurate.  7 BY MR. BRUSTEIN:  8 Q. I want you to just be accurate.  9 A. Okay.  10 Q. You testified you've been to his home  11 today, right?  12 A. So Mr. Warner considers Westmont or  13 Oak Brook his home, but he has been living out in  14 Santa Barbara since the pandemic. And he  15 considers -- he considered this to be his home here  16 in Westmont and Oak Brook.  17 Q. Now, earlier you mentioned that you were  18 the -- an officer in a company called Fairway BB  19 Property, LLC, right?  20 A. Yes.  21 Q. What is that company?  22 A. That entity is for the Santa Barbara  23 house.  24 Q. What's it do?</p>

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**253-256**

<p style="text-align: right;">Page 253</p> <p>1 A. We have employees that, you know, handle  2 and look after his house in Santa Barbara.  3 MR. BOLAND: And when you get a chance, we're  4 going about an hour. Whenever it's good for you.  5 MR. BRUSTEIN: Sure. Just a few more  6 questions.  7 MR. BOLAND: Sure.  8 BY MR. BRUSTEIN:  9 Q. You said they're employees that look  10 after his house. That's Mr. Warner's house in  11 California?  12 A. That's 1000 Channel Drive, the house  13 located on 1000 Channel Drive.  14 Q. And that, you're saying, is definitely  15 not his home, even though he's lived there for the  16 last three years straight?  17 A. I said that's his house, but he  18 considers Oak Brook his home.  19 Q. Did he tell you that before or after he  20 asked you to sign the declaration to get a case  21 removed from California?  22 MR. BOLAND: Object to the form.  23 BY THE WITNESS:  24 A. He has always considered Oak Brook his</p>	<p style="text-align: right;">Page 255</p> <p>1 her not to answer those.  2 MR. BRUSTEIN: Mr. Warner's personal attorney,  3 how is that privileged?  4 MR. BOLAND: Because she could have a  5 relationship with the attorney to help to give  6 advice. It could be the exact same thing. An  7 attorney can use anybody for work product, and  8 there's a privilege that applies.  9 She can say -- anything about the  10 declaration, fine.  11 MR. BRUSTEIN: Okay.  12 BY MR. BRUSTEIN:  13 Q. So your attorney said that you can  14 answer.  15 MR. BOLAND: No, what I said was, you're not  16 going to answer the conversations with -- about  17 counsel. You can ask -- he can ask you questions  18 about what are the statements that you put in the  19 declaration because you signed that.  20 MR. BRUSTEIN: I was not telling her to ignore  21 your advice. I was saying the question I asked,  22 you were fine with it.  23 MR. BOLAND: I didn't think I was. That's why  24 I objected. But maybe I don't recall what it was.</p>
<p style="text-align: right;">Page 254</p> <p>1 home. He's lived here for decades.  2 BY MR. BRUSTEIN:  3 Q. But has -- did he ever tell you  4 specifically that he didn't consider himself to  5 have any property in California to be his home  6 before he asked you to sign a legal document to get  7 a case removed from California?  8 MR. BOLAND: Same objection.  9 You can answer.  10 BY THE WITNESS:  11 A. He did not ask me to sign a legal  12 document.  13 BY MR. BRUSTEIN:  14 Q. Well, his lawyer told you it would help  15 Mr. Warner, right?  16 A. Yes.  17 Q. And did his lawyer tell you that it was  18 important to say that Mr. Warner doesn't consider  19 any property in California to be his home or  20 residence?  21 MR. BOLAND: Okay. I will be happy to allow  22 her to answer about the things that she said here.  23 Beyond that, conversations with counsel, that's  24 going to be privileged, and I'm going to instruct</p>	<p style="text-align: right;">Page 256</p> <p>1 BY THE WITNESS:  2 A. Can you repeat the question.  3 BY MR. BRUSTEIN:  4 Q. Was it your suggestion or someone else's  5 to include, "Mr. Warner does not consider any  6 property in California to be his home or primary  7 residence"?  8 A. I don't recall if it was my wording or  9 the attorney's wording.  10 Q. How many houses does Mr. Warner own?  11 A. Here, Santa Barbara?  12 Q. In the world, directly or indirectly.  13 A. He has other houses where he allows his  14 employees to stay.  15 Q. How many houses does Mr. Warner own  16 directly or indirectly?  17 A. I would say he -- I -- I don't know. I  18 would be guessing.  19 Q. More than ten?  20 A. No, under ten.  21 Q. And this sentence, "Mr. Warner does not  22 consider any property in California to be home or  23 primary residence," did you discuss the  24 truthfulness of that statement with Mr. Warner</p>

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1 before you signed this document?

2 A. Mr. Warner has expressed to me before,

3 this is where he resides and this is his home.

4 Like I said, he's lived here for decades. And

5 maybe I don't know through personal knowledge, but

6 he has been a customer of my parents consistently

7 for a number of years. I would say 20.

8 Q. Did Mr. Warner, however, ever tell you

9 specifically that he doesn't consider any property

10 in California to be his home?

11 A. He has expressed that this is his home

12 in Oak Brook, but I don't think he's ever mentioned

13 that he has -- that he considers Santa Barbara his

14 home.

15 Q. I'm asking the opposite. Has he ever

16 specifically told you that he does not consider his

17 property, his house in Santa Barbara to be his

18 home?

19 A. No, he hasn't said those words.

20 MR. BRUSTEIN: We can take a break now if you

21 want. Five minutes or --

22 MR. BOLAND: Yeah, about five minutes.

23 THE VIDEOGRAPHER: We are going off the record

24 at 3:49 p.m.

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1 (WHEREUPON, a recess was had.)

2 THE VIDEOGRAPHER: We are going back on the

3 record at 4:01 p.m.

4 BY MR. BRUSTEIN:

5 Q. Ms. Hwang, has Mr. Warner ever asked you

6 to lie?

7 A. To -- I didn't hear your question.

8 Q. Has Mr. Warner ever asked you to lie?

9 A. No.

10 Q. Before going to work for Mr. Warner, did

11 you research him?

12 A. I Googled him to research his properties

13 before my interview with the CFO.

14 Q. What year did you Google?

15 A. 2016.

16 Q. When you Googled him in 2016, did you

17 find out about his felony tax conviction?

18 A. Yes.

19 Q. Did that concern you?

20 A. No.

21 Q. Why not?

22 A. Because it was a closed case, and he was

23 reformed and his businesses were still in -- in

24 operation.

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1 Q. Did you say he was reformed?

2 A. He -- he served his community service

3 hours, and I spoke to the CFO about the current

4 state of his case.

5 Q. And what were you told?

6 A. She said that his tax case has been over

7 and just exactly what I read in Google when I

8 Googled him, that his case was over and he had to

9 serve community hours and his business --

10 Q. Were you concerned --

11 A. -- and his businesses were still in

12 operations and she didn't tell me anything that

13 made me concerned.

14 Q. Is that the chief financial officer who

15 was fired?

16 A. Yes.

17 Q. Was she fired related to his conviction?

18 A. I don't know the reason for her

19 termination.

20 Q. Were you concerned about being the chief

21 financial officer for someone where the -- for a

22 company where the president had already been

23 convicted of tax evasion?

24 A. No.

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1 Q. Let's go back to Exhibit 1, page 30.

2 This is an invitation for an August 26, 2020,

3 meeting.

4 MR. BOLAND: Do you have -- do you have a

5 Bates number on that one?

6 MR. BRUSTEIN: I'm sorry, yes. It is WD 9101.

7 MR. BOLAND: Thank you.

8 BY MR. BRUSTEIN:

9 Q. Is there a reason there were no Hotel 57

10 Services, LLC, employees at the meeting about the

11 staffing model for Four Seasons Hotel New York --

12 MR. BOLAND: Object --

13 BY MR. BRUSTEIN:

14 Q. -- on August 26th?

15 MR. BOLAND: Sorry.

16 Object to the form.

17 BY THE WITNESS:

18 A. I don't know if there's a reason.

19 BY MR. BRUSTEIN:

20 Q. When Mr. Tauscher was the general

21 manager of Four Seasons Hotel New York, did he

22 report directly to you or to someone else?

23 MR. BOLAND: Object to the form.

24 BY THE WITNESS:

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<p style="text-align: right;">Page 261</p> <p>1 A. He did not report to me.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. So which officer of Hotel 57 Services,</p> <p>4 LLC, did Mr. Tauscher report to?</p> <p>5 MR. BOLAND: Object to the form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I don't know. I don't know. It would</p> <p>8 just -- he worked with Antoine Chahwan quite a bit,</p> <p>9 but I don't know if he actually reported to him.</p> <p>10 BY MR. BRUSTEIN:</p> <p>11 Q. Did he report directly to Mr. Warner?</p> <p>12 A. No.</p> <p>13 Q. Earlier --</p> <p>14 A. Rudy was a Four Seasons employee. He</p> <p>15 reported to Four Seasons.</p> <p>16 Q. Earlier you testified there were only</p> <p>17 two people Mr. Warner had the ability to control</p> <p>18 the hiring and firing of, and one of them I</p> <p>19 thought, correct me if I'm wrong, was the general</p> <p>20 manager.</p> <p>21 MR. BOLAND: Object to the form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. That's not exactly what I said. I said</p> <p>24 he had influence over hiring of two people. He</p>	<p style="text-align: right;">Page 263</p> <p>1 BY THE WITNESS:</p> <p>2 A. During operations, I would agree.</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. I want to direct you to the next page.</p> <p>5 This is a June 24, 2021, Communications Plan. Have</p> <p>6 you seen this document? It's WD 8977. And it</p> <p>7 continues for the next four pages, to WD 8981. I'm</p> <p>8 sorry, five pages, WD 8982.</p> <p>9 A. I don't know if I've seen this</p> <p>10 particular document before, but I'm familiar with</p> <p>11 the wording.</p> <p>12 Q. Was there a reason that June 25, 2021,</p> <p>13 it was announced to the staff and employees that</p> <p>14 the hotel was going to be undergoing renovations</p> <p>15 and not reopening for an extended period of time?</p> <p>16 A. I don't recall the timing of the</p> <p>17 financial projections, but I'm sure that was a</p> <p>18 factor. And with the ongoing capital projects, we</p> <p>19 were not planning to reopen.</p> <p>20 Q. For at least a year?</p> <p>21 A. It said we would -- I believe it said we</p> <p>22 would reassess, right? In '22.</p> <p>23 Q. Do you have a target reopening date as</p> <p>24 you sit here today?</p>
<p style="text-align: right;">Page 262</p> <p>1 does not have influence of firing. He does not</p> <p>2 make that decision.</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. Is he able to hire a new general manager</p> <p>5 today if he wanted to?</p> <p>6 A. Four Seasons would have to hire a</p> <p>7 general manager and make that decision.</p> <p>8 Q. Is Mr. Warner preventing the Four</p> <p>9 Seasons from filling the general manager position</p> <p>10 at the Four Seasons Hotel New York?</p> <p>11 A. No.</p> <p>12 Q. Has Mr. Warner approved funding for a</p> <p>13 general manager position at Four Seasons Hotel New</p> <p>14 York?</p> <p>15 MR. BOLAND: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Four Seasons provided the staffing plan,</p> <p>18 and after Rudy was -- Rudy resigned, I don't</p> <p>19 believe there was a suggestion for his replacement.</p> <p>20 BY MR. BRUSTEIN:</p> <p>21 Q. Would you agree that hotels without</p> <p>22 general managers tend to be less profitable?</p> <p>23 MR. BOLAND: Object to the form of the</p> <p>24 question.</p>	<p style="text-align: right;">Page 264</p> <p>1 MR. BOLAND: Object to the form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. No.</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. How long do you expect it would take to</p> <p>6 hire sufficient staff to reopen the hotel once all</p> <p>7 other obstacles are gone to reopen?</p> <p>8 MR. BOLAND: Object to form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. I don't know. Four Seasons would have</p> <p>11 to restaff.</p> <p>12 BY MR. BRUSTEIN:</p> <p>13 Q. So three years plus into the hotel being</p> <p>14 shut down, you don't have any sense of how long it</p> <p>15 would take to get the hotel up and running?</p> <p>16 MR. BOLAND: Same objection.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I don't know.</p> <p>19 BY MR. BRUSTEIN:</p> <p>20 Q. Do you think that's important</p> <p>21 information for someone to have if they want to</p> <p>22 actually reopen a hotel?</p> <p>23 MR. BOLAND: Object to the form of the</p> <p>24 question.</p>



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<p style="text-align: right;">Page 265</p> <p>1 BY THE WITNESS:</p> <p>2 A. I think the plan needs to be reassessed,</p> <p>3 and depending on how long the negotiations take, it</p> <p>4 may not be realistic to set a target reopening date</p> <p>5 at this point.</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. Is it possible that the hotel may not</p> <p>8 open in the next five years?</p> <p>9 A. I don't know.</p> <p>10 Q. So it's possible?</p> <p>11 MR. BOLAND: Object to the form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I don't know.</p> <p>14 BY MR. BRUSTEIN:</p> <p>15 Q. Is it possible that the hotel may not</p> <p>16 open in ten years?</p> <p>17 MR. BOLAND: Same objection.</p> <p>18 BY THE WITNESS:</p> <p>19 A. I don't know.</p> <p>20 BY MR. BRUSTEIN:</p> <p>21 Q. Okay. Now, on page 37, the --</p> <p>22 MR. BOLAND: The Bates on this one.</p> <p>23 MR. BRUSTEIN: I apologize. Thank you for</p> <p>24 reminding me. WD9124.</p>	<p style="text-align: right;">Page 267</p> <p>1 MR. BOLAND: Object to the form, then.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Can you repeat your question, then.</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. Are you an officer of the company Hotel</p> <p>6 57 BB?</p> <p>7 MR. BOLAND: Object to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I don't recall. I need to look at the</p> <p>10 list of all the legal entities and the entity</p> <p>11 structure to be sure.</p> <p>12 BY MR. BRUSTEIN:</p> <p>13 Q. So it's possible you're an officer for a</p> <p>14 company you don't even know what the name is?</p> <p>15 MR. BOLAND: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I don't know all the legal entities for</p> <p>18 the businesses, the exact name of all the legal</p> <p>19 entities.</p> <p>20 BY MR. BRUSTEIN:</p> <p>21 Q. Now -- all right. What capital projects</p> <p>22 are still outstanding as we sit here today?</p> <p>23 MR. BOLAND: Object to the form.</p> <p>24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 266</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. Mr. Tauscher sent you an e-mail</p> <p>3 suggesting to reopen in late August of 2020. Did</p> <p>4 you tell him at that point there was no way that</p> <p>5 was going to happen?</p> <p>6 A. I don't know what I communicated to Rudy</p> <p>7 Tauscher in June of 2020. I can't recall.</p> <p>8 Q. Okay. Now, in April of 2020, you asked</p> <p>9 the Four Seasons to reevaluate the current staffing</p> <p>10 and determine additional furloughs needed to reduce</p> <p>11 the labor, right?</p> <p>12 A. Yes.</p> <p>13 Q. And you sent an e-mail saying that there</p> <p>14 were 133 working employees for Hotel 57 and Hotel</p> <p>15 57 BB. What is Hotel 57 BB?</p> <p>16 A. I think that was just the wording that</p> <p>17 was used by Four Seasons.</p> <p>18 Q. So you don't know what Hotel 57 --</p> <p>19 A. I don't know the exact legal entity</p> <p>20 name. I'm not sure why they're saying Hotel 57 BB,</p> <p>21 but I think there's a small number of employees</p> <p>22 in --</p> <p>23 Q. I'm just asking -- I'm not asking about</p> <p>24 a document. I'm just asking about the company.</p>	<p style="text-align: right;">Page 268</p> <p>1 A. My understanding is that the shower pan</p> <p>2 project, the fire panel project. Those are two</p> <p>3 of some of the other ongoing capital projects that</p> <p>4 are still in progress.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. Are the elevators done?</p> <p>7 A. I'm not -- I'm not positive if it's</p> <p>8 completed yet.</p> <p>9 Q. Is the wallpaper done?</p> <p>10 A. Yes. There are --</p> <p>11 Q. Are the wall --</p> <p>12 A. Well, I just need to disclaim that there</p> <p>13 is -- there's a select number of rooms that we left</p> <p>14 alone, but as far as I know, the wallpaper project</p> <p>15 is completed.</p> <p>16 Q. Why were some of the rooms not finished?</p> <p>17 MR. BOLAND: Object to the form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. It was minor, and also I think they</p> <p>20 wanted to have a sample of rooms with the original</p> <p>21 installation of wallpaper.</p> <p>22 BY MR. BRUSTEIN:</p> <p>23 Q. When were the rest of the rooms</p> <p>24 completed?</p>

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**269-272**

<p style="text-align: right;">Page 269</p> <p>1 A. I don't recall.</p> <p>2 Q. I'm now going to direct you to page 71</p> <p>3 of this exhibit, which I will share. WD 3078.</p> <p>4 MR. BOLAND: Wait, let me -- can I see the --</p> <p>5 the top of it. Oh, is that the top of it, the very</p> <p>6 first page?</p> <p>7 MR. BRUSTEIN: Yes.</p> <p>8 MR. BOLAND: Okay. Let me find it.</p> <p>9 What's the date on that one? 3/13/20?</p> <p>10 MR. BRUSTEIN: Correct.</p> <p>11 MR. BOLAND: Okay.</p> <p>12 BY MR. BRUSTEIN:</p> <p>13 Q. Ms. Hwang, do you see that?</p> <p>14 A. Yeah. I prefer to find the hard copy,</p> <p>15 but I haven't been able to locate it.</p> <p>16 MR. BOLAND: It's pretty far down.</p> <p>17 THE WITNESS: Is it?</p> <p>18 MR. BOLAND: Yeah.</p> <p>19 And, I'm sorry, what did you say the</p> <p>20 Bates number was? I apologize.</p> <p>21 MR. BRUSTEIN: It's 3078. You can just hold</p> <p>22 them up high if you want. I mean, they're probably</p> <p>23 out of order.</p> <p>24 THE WITNESS: I think I found it. Can you</p>	<p style="text-align: right;">Page 271</p> <p>1 Q. So prior to the hotel shutting down, the</p> <p>2 hotel was able to have the wallpaper replaced not</p> <p>3 once, but twice in more than 200 rooms?</p> <p>4 A. The first installation was completed</p> <p>5 during the renovation. I believe that renovation</p> <p>6 completed in 2016.</p> <p>7 Q. And the hotel was open during that</p> <p>8 renovation, right?</p> <p>9 A. I'm -- I'm not sure. I started late in</p> <p>10 2016 when the renovation was substantially</p> <p>11 complete.</p> <p>12 Q. Okay. Well, when you started, had you</p> <p>13 been told that the hotel had been shut down?</p> <p>14 A. I don't recall hearing that, no.</p> <p>15 Q. And it was completed in March of 2020,</p> <p>16 so from the time that you started until the hotel</p> <p>17 shut down in March of 2020, it didn't shut down for</p> <p>18 any renovations up until that point, right?</p> <p>19 MR. BOLAND: Object to the form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. Can you repeat your question, please.</p> <p>22 BY MR. BRUSTEIN:</p> <p>23 Q. The hotel didn't shut down at any point</p> <p>24 prior to March 2020 when you were overseeing it,</p>
<p style="text-align: right;">Page 270</p> <p>1 scroll up to the top of that page, please.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. It's a March 13, 2020, e-mail.</p> <p>4 A. Okay. I found it.</p> <p>5 Q. So that was before the hotel had shut</p> <p>6 down for COVID, right?</p> <p>7 A. Yes.</p> <p>8 Q. And it's an invoice for NewGen?</p> <p>9 A. Yes.</p> <p>10 Q. Is that the company that you said you're</p> <p>11 suing for the way the wallpaper was done?</p> <p>12 A. No. NewGen, I believe, is the company</p> <p>13 that installed it for the second time.</p> <p>14 Q. And did NewGen do a good job installing</p> <p>15 it the second time?</p> <p>16 A. As far as I know, there hasn't been any</p> <p>17 issues after the second installation.</p> <p>18 Q. And Frank Galasso, he's one of people</p> <p>19 that works at Hotel 57 Services and oversees some</p> <p>20 of the projects, or did at the time?</p> <p>21 A. Yes.</p> <p>22 Q. And he said NewGen has completed 210</p> <p>23 rooms as of today, which was March 12, 2020?</p> <p>24 A. Okay.</p>	<p style="text-align: right;">Page 272</p> <p>1 right?</p> <p>2 A. So my knowledge of the wallpaper issue</p> <p>3 is limited, because my -- the previous CFO was</p> <p>4 overseeing and in touch with the status of the</p> <p>5 project prior to her leaving.</p> <p>6 Q. Okay. Well, about ten pages further in</p> <p>7 the document, Exhibit 1, WD 5545, there's an e-mail</p> <p>8 to you --</p> <p>9 MR. BOLAND: Hold on. We got to get to it.</p> <p>10 Hold on one second.</p> <p>11 MR. BRUSTEIN: I'll talk while you do your</p> <p>12 thing.</p> <p>13 BY MR. BRUSTEIN:</p> <p>14 Q. Do you recall that the hotel manager</p> <p>15 said that -- this is a June 26, 2020, e-mail. "I</p> <p>16 confirmed with Frank and Sebastian today, the</p> <p>17 wallpaper project is scheduled to be completed in</p> <p>18 mid July, at the latest July 17. All the rooms on</p> <p>19 the schedule except the six rooms left for legal</p> <p>20 purposes will have been completed."</p> <p>21 Sitting here today, do you have any</p> <p>22 reason to believe that any rooms other than the six</p> <p>23 ones for the legal purposes you talked about were</p> <p>24 not completed by July 17, 2020?</p>

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<p style="text-align: right;">Page 273</p> <p>1 A. I don't have a reason to believe  2 otherwise, unless there were some delays. I  3 don't -- I don't know.  4 Q. Okay. So would it be fair to say that  5 NewGen had completed all the work of the  6 wallpapering by July 2020?  7 MR. BOLAND: Object to the form.  8 BY THE WITNESS:  9 A. Again, I don't recall the completion  10 date, but if we were to go by this document, yes,  11 it's --  12 BY MR. BRUSTEIN:  13 Q. And the next sentence in that says, "On  14 a side know, I also wanted you to know we're near  15 completion of the systems integrated of the  16 penthouse as required by Mr. Warner on his last  17 visit."  18 So Mr. Warner actually had specific  19 requirements of what type of renovations needed to  20 occur?  21 MR. BOLAND: Object to the form.  22 BY THE WITNESS:  23 A. He stayed in the penthouse, and, gosh, I  24 don't know what year, but he wanted the lighting</p>	<p style="text-align: right;">Page 275</p> <p>1 should be about four pages later, WD 6339. It's a  2 four-page document ending at 6342.  3 These are notes. You probably haven't  4 seen this e-mail before, but they're notes from, it  5 says an owner visit from 12/17. Or it says visit  6 check, 12/17 and visit checklist.  7 Do you know when Mr. Warner visited the  8 hotel to come up with these demands for projects  9 and updates?  10 MR. BOLAND: Object to the form.  11 BY THE WITNESS:  12 A. I don't know when his last visit to the  13 hotel was. I was, however, with Mr. Warner. We  14 went to the hotel. The last time we went there was  15 fall of 2019.  16 BY MR. BRUSTEIN:  17 Q. All of the things that you talked about  18 as basis for shutting down the hotel can be found  19 on this list, right?  20 MR. BOLAND: Object to the form.  21 BY THE WITNESS:  22 A. No. These were --  23 BY MR. BRUSTEIN:  24 Q. Look --</p>
<p style="text-align: right;">Page 274</p> <p>1 and certain systems in the penthouse updated. It  2 was malfunctioning. So Michal was -- Michal had --  3 with Four Seasons was tasked to make sure that  4 project was completed.  5 BY MR. BRUSTEIN:  6 Q. Now, in the middle of this pandemic you  7 said that Mr. Warner was very concerned about the  8 medical profession, correct?  9 A. Yes.  10 Q. His priority was the health and safety  11 of the employees and potential guests?  12 A. Yes.  13 Q. He put their well being ahead of any  14 financial decisions he was considering?  15 MR. BOLAND: Object to the form.  16 BY THE WITNESS:  17 A. It's a business. I -- I don't know -- I  18 don't know if Mr. Warner -- you would have to ask  19 Mr. Warner that question. I don't know if he --  20 how he prioritizes.  21 BY MR. BRUSTEIN:  22 Q. We'll get to ask Mr. Warner questions  23 later. That's fine.  24 Now, page 85 of this document, so it</p>	<p style="text-align: right;">Page 276</p> <p>1 MR. BOLAND: Let her finish.  2 BY THE WITNESS:  3 A. These were items that Mr. Warner pointed  4 out to the team prior to his last visit. I think  5 this has been ongoing.  6 BY MR. BRUSTEIN:  7 Q. And nothing on this list required the  8 hotel to shut down, correct?  9 MR. BOLAND: Object to the form.  10 BY THE WITNESS:  11 A. I don't know what MR level project is,  12 but --  13 BY MR. BRUSTEIN:  14 Q. Now, with respect to the Montecito  15 property that's still closed, was that shut down  16 because it wasn't -- is that still shut down  17 because it's not profitable to reopen it?  18 A. Which property?  19 Q. The Montecito property.  20 A. Montecito Country Club?  21 Q. Yes.  22 A. No, it's open.  23 Q. I thought -- I thought you said there  24 was another property that was closed for</p>

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<p style="text-align: right;">Page 277</p> <p>1 renovations for more than three years.</p> <p>2 A. No, they were closed during COVID, and I</p> <p>3 think there were further renovations. Again, I</p> <p>4 don't remember the timing, but it was closed for a</p> <p>5 while for renovations. I don't recall if it was</p> <p>6 three years.</p> <p>7 Q. I'm now going to direct your attention</p> <p>8 to Exhibit 1, page 89, which is the very next</p> <p>9 document, WD 7650.</p> <p>10 This is a May 4, 2020, e-mail exchange</p> <p>11 where you e-mailed Michal, who was the hotel</p> <p>12 manager at the time, right?</p> <p>13 A. Yes.</p> <p>14 Q. And you said that Mr. Warner was asking</p> <p>15 about the pixel size of the TV at the Ty Bar.</p> <p>16 A. Okay. I see it. I see the e-mail.</p> <p>17 Q. Was the Ty Bar closed at that point?</p> <p>18 A. Yes. The hotel was closed.</p> <p>19 Q. I'm sorry?</p> <p>20 A. Ty Bar is inside of the hotel. The</p> <p>21 hotel was closed.</p> <p>22 Q. Well, medical professionals were staying</p> <p>23 at the hotel, but they couldn't access the Ty Bar,</p> <p>24 right?</p>	<p style="text-align: right;">Page 279</p> <p>1 BY THE WITNESS:</p> <p>2 A. The TV in the Ty Bar, it would</p> <p>3 malfunction periodically while the hotel was in</p> <p>4 operation. And I think this was a project where</p> <p>5 Mr. Warner was reconsidering what we should do with</p> <p>6 the TV screen.</p> <p>7 MR. BRUSTEIN: At this point I'm going to ask</p> <p>8 that the witness be shown Exhibit 8, Hwang. When</p> <p>9 you first bring it up.</p> <p>10 BY MR. BRUSTEIN:</p> <p>11 Q. This is a declaration that you --</p> <p>12 THE REPORTER: Wait a minute. Wait a minute.</p> <p>13 (WHEREUPON, a certain document was</p> <p>14 marked Hwang Deposition Exhibit</p> <p>15 No. 8, for identification, as of</p> <p>16 4/14/23.)</p> <p>17 MR. BOLAND: Thank you.</p> <p>18 THE REPORTER: Okay.</p> <p>19 BY MR. BRUSTEIN:</p> <p>20 Q. May I continue?</p> <p>21 A. Yes, please.</p> <p>22 Q. This is a declaration that you signed in</p> <p>23 connection with this case, right?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 278</p> <p>1 A. No, Ty Bar was closed.</p> <p>2 Q. So is there a reason Mr. Warner in May</p> <p>3 of 2020, at the height of the pandemic when people</p> <p>4 were -- when dead bodies were stacking up in the --</p> <p>5 in the streets outside hospitals, needed to know</p> <p>6 how big a TV was in a closed bar in his hotel?</p> <p>7 MR. BOLAND: Object to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I think this was initiated by Michal.</p> <p>10 BY MR. BRUSTEIN:</p> <p>11 Q. Well, the bottom e-mail --</p> <p>12 MR. BOLAND: Are you done? I don't know if</p> <p>13 she was done.</p> <p>14 BY THE WITNESS:</p> <p>15 A. He is asking -- this is one of the</p> <p>16 capital items that he had discussed, and I think</p> <p>17 this was -- I'm just trying to see when the e-mail</p> <p>18 was initiated. I think there was discussions</p> <p>19 about this -- I think it was a renewal for rented</p> <p>20 items.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. So even the pixel size of the TV was</p> <p>23 something that Mr. Warner was involved in deciding?</p> <p>24 MR. BOLAND: Object to the form.</p>	<p style="text-align: right;">Page 280</p> <p>1 Q. And on the fifth page, you signed it</p> <p>2 declaring under the penalty of perjury, right?</p> <p>3 A. Yes.</p> <p>4 Q. And that's similar to the oath you took</p> <p>5 today, right?</p> <p>6 A. Yes.</p> <p>7 Q. And you swore that everything in this</p> <p>8 declaration was true, right?</p> <p>9 A. Yes.</p> <p>10 Q. I'm going to direct your attention to --</p> <p>11 but before I do, and so you read this carefully to</p> <p>12 make sure that it was accurate and truthful because</p> <p>13 you knew that not only were -- would it be a crime</p> <p>14 to submit false testimony, but that it was in</p> <p>15 connection with a federal lawsuit. And so it was</p> <p>16 important to be accurate, right?</p> <p>17 A. Yes.</p> <p>18 Q. Now, I'm going to direct your attention</p> <p>19 to paragraph 5. You said that Staley signed the</p> <p>20 EmPact Agreement and that true and accurate copies</p> <p>21 of her signature pages of the EmPact Agreement were</p> <p>22 attached as Exhibit B, right?</p> <p>23 A. Yes.</p> <p>24 Q. And you said that she signed the EmPact</p>

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<p style="text-align: right;">Page 281</p> <p>1 Agreement you had attached as Exhibit A, right?</p> <p>2 A. That's what's stated here.</p> <p>3 Q. I'm sorry?</p> <p>4 A. Yes, that's what's stated.</p> <p>5 Q. And by stated, that's what you swore was</p> <p>6 true?</p> <p>7 A. Yes.</p> <p>8 Q. And going down a little bit in</p> <p>9 paragraph 7, you said that Holmes signed the EmPact</p> <p>10 Agreement and true and accurate cop- -- and signed</p> <p>11 an updated version in 2018. Do you see that?</p> <p>12 A. Yes, I see it.</p> <p>13 Q. And it says true and accurate cop- --</p> <p>14 true and correct copies of Holmes' signature pages</p> <p>15 of the EmPact Agreement are collectively annexed</p> <p>16 hereto as Exhibit C.</p> <p>17 It then goes on, the EmPact Agreement</p> <p>18 annexed hereto as Exhibit A is the version that</p> <p>19 Staley signed in 2018.</p> <p>20 Do you mean Holmes in that sentence?</p> <p>21 A. Can you repeat your last statement?</p> <p>22 Q. The last sentence says the EmPact</p> <p>23 Agreement annexed hereto is the version that Staley</p> <p>24 signed in 2018. I'm asking if you meant to say</p>	<p style="text-align: right;">Page 283</p> <p>1 EmPact Agreement are collectively annexed hereto as</p> <p>2 Exhibit D. The EmPact Agreement annexed hereto as</p> <p>3 Exhibit A is the version that Staley signed in</p> <p>4 2018.</p> <p>5 Is this one also to be about Staley or</p> <p>6 did you mean for this one to be about Ivey?</p> <p>7 A. I don't know. I would have to review</p> <p>8 the exhibit.</p> <p>9 Q. Okay. So let's go down to Exhibit B</p> <p>10 first. I'm just going to warn you, it's far in the</p> <p>11 back. So if you want to start from the back, it's</p> <p>12 a little easier.</p> <p>13 And I'm looking at the first page of the</p> <p>14 Exhibit B. Is this the EmPact Revision</p> <p>15 Acknowledgement Form for the 2018 EmPact Revision</p> <p>16 you were referencing?</p> <p>17 And if you want, you can keep your</p> <p>18 exhibit open to the first page so you can look at</p> <p>19 them side by side if you want that. That may be</p> <p>20 helpful to you.</p> <p>21 So is this the signature page that you</p> <p>22 said was for the Em- -- the 2018 EmPact Agreement?</p> <p>23 Ms. Hwang, are you still there?</p> <p>24 A. Yes, I'm here.</p>
<p style="text-align: right;">Page 282</p> <p>1 that Holmes signed in 2018, because the rest of the</p> <p>2 paragraph is dealing with Holmes' signature pages.</p> <p>3 Is that sentence supposed to be about</p> <p>4 Staley or Holmes?</p> <p>5 Do you understand the question?</p> <p>6 A. Yes, I'm just trying to understand.</p> <p>7 Q. Do you agree that it should be about</p> <p>8 Holmes?</p> <p>9 A. I don't know. I'd have to review that</p> <p>10 again to be sure.</p> <p>11 Q. So you think you meant to say Staley's</p> <p>12 exhibits twice?</p> <p>13 MR. BOLAND: Object to the form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I don't know.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. Okay. Let's jump down to paragraph 9.</p> <p>18 That paragraph is about Ivey. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. And that says that Ivey signed an</p> <p>21 updated version in or about 2018, right?</p> <p>22 A. Yes.</p> <p>23 Q. And true and acc- -- and true and</p> <p>24 correct copies of Ivey's signature pages of the</p>	<p style="text-align: right;">Page 284</p> <p>1 Q. Is this the Acknowledgment Form to the</p> <p>2 2018 EmPact Agreement that you were referencing for</p> <p>3 Ms. Staley?</p> <p>4 A. Yes.</p> <p>5 Q. Going to the next page in this, it's</p> <p>6 2015, and then the next one is back all the way in</p> <p>7 2011, and then there's one more for 2008 for</p> <p>8 Ms. Staley, and then it goes to Exhibit C, correct?</p> <p>9 For Exhibit C, that's Ms. Holmes, and</p> <p>10 the first one she signed was in 1998, and then the</p> <p>11 next one it says in, I believe -- I don't know if</p> <p>12 that's 2016, maybe. No, that's '98 again. And</p> <p>13 then the last one for her, it says 2018, then,</p> <p>14 right?</p> <p>15 A. Yes, I see that.</p> <p>16 Q. So that -- so that's the acknowledgment</p> <p>17 form you were referencing for Ms. Holmes. Does</p> <p>18 that refresh your recollection as to whether or not</p> <p>19 in the declaration you meant to say Staley for that</p> <p>20 paragraph that was referencing Holmes, or if you</p> <p>21 meant to say Holmes?</p> <p>22 It's a simple question. Is this the</p> <p>23 form that you're saying Ms. Holmes signed for the</p> <p>24 2018 EmPact Agreement?</p>



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<p style="text-align: right;">Page 285</p> <p>1 A. Yes.</p> <p>2 Q. And then going to Exhibit D, the first</p> <p>3 one for Ms. Ivey is in 1997. The second one is</p> <p>4 also 1997. And then there are two from 2018. Do</p> <p>5 you see that? They appear to be the same date,</p> <p>6 just a double copy, right?</p> <p>7 A. Yes.</p> <p>8 Q. So is that also the Acknowledgment Form</p> <p>9 that you're acknowledging in your declaration?</p> <p>10 A. It's the EmPact Agreement is -- in</p> <p>11 Exhibit A is the same.</p> <p>12 Q. So -- so that's what I'm asking you. So</p> <p>13 is that a yes? Just because on the first page in</p> <p>14 your declaration, you had referenced Staley in the</p> <p>15 earlier paragraphs for Holmes and Ivey. And I just</p> <p>16 want to know, are you saying these are the</p> <p>17 signature pages that you're swearing were for the</p> <p>18 EmPact Agreement in your declaration?</p> <p>19 If you want to go off record and think</p> <p>20 about this, you can.</p> <p>21 MR. BOLAND: No, she's looking. She's</p> <p>22 looking.</p> <p>23 MR. BRUSTEIN: We don't need the coaching.</p> <p>24 MR. BOLAND: No, I'm just saying we're not</p>	<p style="text-align: right;">Page 287</p> <p>1 thorough in your review, right?</p> <p>2 A. Yes.</p> <p>3 Q. You understand that filing false</p> <p>4 statements under oath can result in sanctions both</p> <p>5 for you and your attorneys? Did you know that?</p> <p>6 A. No, I'm not an expert in law.</p> <p>7 Q. Well, I'm now going to direct your</p> <p>8 attention to page 7 of this exhibit. This is the</p> <p>9 EmPact Agreement that you swore under penalty of</p> <p>10 perjury Ms. Holmes, Ms. Ivey and Ms. Staley signed,</p> <p>11 right?</p> <p>12 MR. BOLAND: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Yes.</p> <p>15 BY MR. BRUSTEIN:</p> <p>16 Q. In the middle of the page, can you</p> <p>17 please read for the record what the date is that it</p> <p>18 was last revised.</p> <p>19 A. 2018.</p> <p>20 Q. Give me the full year, date and month.</p> <p>21 A. May 30, 2018.</p> <p>22 Q. Now, can you please tell me whether</p> <p>23 April 4, 2018, happens before or after May 30,</p> <p>24 2018?</p>
<p style="text-align: right;">Page 286</p> <p>1 going off the record while you're asking the</p> <p>2 witness to do something. That's all.</p> <p>3 BY THE WITNESS:</p> <p>4 A. It merely says that's the agreement that</p> <p>5 Staley signed in 2018.</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. I'm not saying that's a false statement.</p> <p>8 I'm just asking you if you meant for it to say that</p> <p>9 Holmes signed it and that Ivey signed it.</p> <p>10 A. No, I -- I meant -- I meant that Staley</p> <p>11 signed it in 2018. That's the Exhibit A was signed</p> <p>12 by Staley in 2018.</p> <p>13 Q. But the purpose of attaching the other</p> <p>14 exhibits was because you're saying that Holmes and</p> <p>15 Ivey also signed this exhibit, right?</p> <p>16 A. Yes.</p> <p>17 Q. And you swore that under penalties of</p> <p>18 perjury, right?</p> <p>19 A. Yes.</p> <p>20 Q. What research did you do before making</p> <p>21 that representation to the court?</p> <p>22 A. I reviewed the pages that were signed,</p> <p>23 the acknowledgment forms.</p> <p>24 Q. And you took the oath seriously and were</p>	<p style="text-align: right;">Page 288</p> <p>1 A. That happens after.</p> <p>2 Q. So would you agree that Selena could not</p> <p>3 have signed an EmPact Agreement on April 4, 2018,</p> <p>4 that had been revised on May 30, 2018.</p> <p>5 MR. BOLAND: Object to the form.</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. You agree that she couldn't have signed</p> <p>8 something before it existed?</p> <p>9 A. Yes.</p> <p>10 Q. So would you agree that when you said</p> <p>11 the April 4, 2018, signature page was related to a</p> <p>12 May 30, 2018, revision of the EmPact Agreement,</p> <p>13 that was not a true statement?</p> <p>14 MR. BOLAND: Object to the form.</p> <p>15 BY MR. BRUSTEIN:</p> <p>16 Q. You're not going to find the answer in</p> <p>17 the papers. I'm asking you whether or not your</p> <p>18 statement that she signed something on April 4,</p> <p>19 2018, for a document dated May 30, 2018, is true or</p> <p>20 not?</p> <p>21 A. I thought it said 2018. I am just</p> <p>22 reviewing the document that I signed.</p> <p>23 Q. Well, the document you signed said that</p> <p>24 you attached the document that Ms. Staley had</p>

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<p style="text-align: right;">Page 289</p> <p>1 signed, right, as a true and accurate copy?</p> <p>2 A. Yes.</p> <p>3 Q. And the document you attached to your</p> <p>4 exhibit said May 30, 2018, right?</p> <p>5 A. Yes.</p> <p>6 Q. And so that wasn't true.</p> <p>7 A. It was an oversight on my part. I</p> <p>8 didn't see the month and the date.</p> <p>9 Q. Same question. May 3, 2018, is that</p> <p>10 before or after May 30, 2018?</p> <p>11 A. It's before.</p> <p>12 Q. So would you agree that Vivian Holmes'</p> <p>13 May 3, 2018, signature could not have been for the</p> <p>14 May 30, 2018, revision that you claimed it was,</p> <p>15 right?</p> <p>16 MR. BOLAND: Object to the form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. Yes.</p> <p>19 BY MR. BRUSTEIN:</p> <p>20 Q. One last time. April 18, 2018, is that</p> <p>21 before or after May 30, 2018.</p> <p>22 A. Before.</p> <p>23 Q. So you would also agree that when you</p> <p>24 swore under oath that Olive Rodriguez signed -- or</p>	<p style="text-align: right;">Page 291</p> <p>1 attorneys submit a false statement to the court,</p> <p>2 correct?</p> <p>3 MR. BOLAND: Object to the form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. Yes, that was submitted by the</p> <p>6 attorneys.</p> <p>7 MR. BRUSTEIN: Let's take a five-minute break</p> <p>8 here.</p> <p>9 THE VIDEOGRAPHER: Going off the record at</p> <p>10 4:53 p.m.</p> <p>11 (WHEREUPON, a recess was had.)</p> <p>12 THE VIDEOGRAPHER: We are going back on record</p> <p>13 at 4 -- 5 o'clock p.m.</p> <p>14 BY MR. BRUSTEIN:</p> <p>15 Q. Now, Ms. Hwang, you testified that you</p> <p>16 were involved in reviewing court documents related</p> <p>17 to the wallpaper litigation, right?</p> <p>18 A. Yes.</p> <p>19 Q. And you testified that you made sure</p> <p>20 that those were truthful and accurate, as well,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 MR. BRUSTEIN: At this point I'm going to ask</p> <p>24 that Exhibit 13 be marked and show it to the</p>
<p style="text-align: right;">Page 290</p> <p>1 Olive Ivey signed the EmPact Agreement for May 30,</p> <p>2 2018, with an April 18, 2018, signature page, that</p> <p>3 was also not true?</p> <p>4 A. As I indicated, I didn't see the exact</p> <p>5 date.</p> <p>6 Q. Well, you also indicated that you</p> <p>7 reviewed it and made sure it was accurate, right?</p> <p>8 A. Yes.</p> <p>9 Q. So when you swore under oath that you</p> <p>10 had done that, was it that you hadn't actually read</p> <p>11 what you were signing?</p> <p>12 MR. BOLAND: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Like I said, it was an oversight on my</p> <p>15 part on the exact date.</p> <p>16 BY MR. BRUSTEIN:</p> <p>17 Q. And so it resulted in you submitting a</p> <p>18 false statement to the court under penalty of</p> <p>19 perjury?</p> <p>20 MR. BOLAND: Object to the form.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. You can answer.</p> <p>23 A. Can you repeat your question?</p> <p>24 Q. And so you ended up having your</p>	<p style="text-align: right;">Page 292</p> <p>1 witness.</p> <p>2 (WHEREUPON, a certain document was</p> <p>3 marked Hwang Deposition Exhibit</p> <p>4 No. 13, for identification, as of</p> <p>5 4/14/23.)</p> <p>6 MR. BRUSTEIN: And I placed a copy of it in</p> <p>7 the chat.</p> <p>8 THE REPORTER: Okay.</p> <p>9 BY MR. BRUSTEIN:</p> <p>10 Q. Do you have conversations with</p> <p>11 Mr. Warner about determining what documents should</p> <p>12 be considered confidential and which documents are</p> <p>13 okay to share publicly or to file publicly?</p> <p>14 MR. BRUSTEIN: Object to the form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. No.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. Who decides from the company, Ty Warner</p> <p>19 Hotel &amp; Resorts or Hotel 57, LLC, or any of the</p> <p>20 other entities that you're officer in, what</p> <p>21 information should be confidential and what</p> <p>22 information is okay to publicly disclose?</p> <p>23 MR. BOLAND: Object to the form.</p> <p>24 BY THE WITNESS:</p>

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**293-296**

<p style="text-align: right;">Page 293</p> <p>1 A. It's discussed with Mr. Warner's  2 attorney.  3 BY MR. BRUSTEIN:  4 Q. Do you get to weigh in on the  5 designation of confidentiality, or is that  6 something that Mr. Warner, himself, has authority  7 over?  8 MR. BOLAND: Object to the form.  9 BY THE WITNESS:  10 A. Sure, I have input, and so does  11 Mr. Warner, but we discuss that with counsel.  12 BY MR. BRUSTEIN:  13 Q. Prior to filing this lawsuit, Hotel 57,  14 LLC, versus Integral Contracting, Incorporation,  15 did you have any reservations about publicly  16 disclosing any of the information contained in this  17 federal lawsuit?  18 A. No, left that up to --  19 Q. Did you --  20 A. -- the counsel.  21 Q. Did you review the complaint before it  22 was filed to make sure nothing confidential was  23 revealed in the filing?  24 A. I reviewed the filing.</p>	<p style="text-align: right;">Page 295</p> <p>1 done through his attorney.  2 BY MR. BRUSTEIN:  3 Q. And so you knew before you approved this  4 document to be publicly filed that there was no  5 confidentiality concern about disclosing the  6 ownership of Hotel 57, LLC --  7 MR. BOLAND: Object to the form.  8 BY MR. BRUSTEIN:  9 Q. -- right?  10 MR. BOLAND: Object to the form. Sorry.  11 BY THE WITNESS:  12 A. As I said, I discussed that with counsel  13 and counsel discussed that with Mr. Warner. I did  14 not have a direct discussion with Mr. Warner.  15 BY MR. BRUSTEIN:  16 Q. But you knew that by filing this  17 publicly, it would become public information who  18 owned Hotel 57, LLC?  19 A. Yes.  20 Q. Can you please read paragraph 6 into the  21 record aloud.  22 A. "Owner's sole member is Hotel 57 HoldCo  23 LLC ('HoldCo'), which is a limited liability  24 company organized under the laws of Delaware."</p>
<p style="text-align: right;">Page 294</p> <p>1 Q. And did you do that before it was filed?  2 A. Yes.  3 Q. And did you make sure that it was  4 truthful and accurate?  5 A. Yes.  6 Q. And did you discuss with Mr. Warner  7 relevance -- revelations about ownership of Hotel  8 57, LLC?  9 MR. BOLAND: Object to -- object to the form.  10 BY THE WITNESS:  11 A. No, I did not have a discussion with  12 Mr. Warner.  13 BY MR. BRUSTEIN:  14 Q. Did you have the authority to publicly  15 disclose the ownership of Hotel 57, LLC?  16 A. Can you repeat your question, please.  17 Q. Did you have the authority to publicly  18 disclose the ownership of Hotel 57, LLC?  19 MR. BOLAND: Object to the form.  20 BY THE WITNESS:  21 A. Mr. Warner discussed that with his  22 attorney, and his attorney, in turn, discussed it  23 with me. So I -- you know, I would have to make  24 sure that Mr. Warner's okay with it, but it was</p>	<p style="text-align: right;">Page 296</p> <p>1 Q. Is that another entity of Mr. Warners  2 that you are a director or officer of?  3 A. Yes.  4 Q. Please read paragraph 7.  5 A. HoldCo's members are H. Ty Warner, an  6 individual, and Hotel 57 I, Inc., a corporation.  7 Q. Is that statement true?  8 A. I would have to look at the legal entity  9 structure. As I had indicated it's a complex  10 structure, and I don't have it committed to memory.  11 Q. Before approving this complaint, did you  12 look at the operating structure to make sure that  13 it was accurate?  14 A. Yes.  15 Q. And are you an officer in Hotel 57 Corp.  16 I, Inc.?  17 A. I'm not sure if those are one of the  18 entities. I don't know.  19 Q. Now, this lawsuit discusses some pretty  20 specific things about vendors at Hotel -- at Four  21 Seasons Hotel New York, right?  22 MR. BOLAND: Object to the form.  23 BY THE WITNESS:  24 A. Yes.</p>

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**April 14, 2023**  
**297-300**

<p style="text-align: right;">Page 297</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. It discloses the identity of vendors</p> <p>3 that the hotel uses?</p> <p>4 MR. BOLAND: Same objection.</p> <p>5 BY THE WITNESS:</p> <p>6 A. Yes.</p> <p>7 BY MR. BRUSTEIN:</p> <p>8 Q. It identifies the type of wallpaper that</p> <p>9 the hotel used in its property?</p> <p>10 Directing your attention to page 5,</p> <p>11 paragraph 37. It says, "Owner ultimately decided</p> <p>12 to use a custom silk wallcovering supplied by Jolie</p> <p>13 Papier, Ltd., which was a reputable New York-based</p> <p>14 wallcovering supplier with decades of experience."</p> <p>15 A. Yes.</p> <p>16 Q. Is there any concern disclosing the</p> <p>17 identities of these vendors publicly?</p> <p>18 A. Not that I'm aware of.</p> <p>19 Q. No basis to claim it was confidential?</p> <p>20 MR. BOLAND: Object to the form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I don't know.</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. Did you have any basis as an officer of</p>	<p style="text-align: right;">Page 299</p> <p>1 Q. And that's the company that we had</p> <p>2 talked about in those e-mails previously, right?</p> <p>3 A. Yes.</p> <p>4 Q. So neither you nor Mr. Warner prevented</p> <p>5 misinformation from being publicly filed in a</p> <p>6 lawsuit, right?</p> <p>7 A. Yes.</p> <p>8 Q. Would it be fair to say that the amount</p> <p>9 you're paying your vendors is not confidential?</p> <p>10 MR. BOLAND: Object to the form, overbroad.</p> <p>11 BY THE WITNESS:</p> <p>12 A. Yes, unless we have an agreement for</p> <p>13 confidentiality.</p> <p>14 BY MR. BRUSTEIN:</p> <p>15 Q. Now, in this lawsuit you claim that you</p> <p>16 entered into a contract with NewGen Painting,</p> <p>17 Incorporated, for the wallpaper covering. Is that</p> <p>18 true?</p> <p>19 A. Can you repeat that question again,</p> <p>20 please.</p> <p>21 Q. This lawsuit says that you entered into</p> <p>22 a contract with NewGen Painting, Incorporated, for</p> <p>23 the replacement of the wallpaper covering --</p> <p>24 wallcovering, right?</p>
<p style="text-align: right;">Page 298</p> <p>1 the company to claim it was confidential?</p> <p>2 MR. BOLAND: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. No.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. This lawsuit also disclosed the dollar</p> <p>7 amounts that the hotel was paying both for the</p> <p>8 initial wallpaper project and the repairs, right?</p> <p>9 A. I don't recall. I am reviewing the</p> <p>10 document now. I don't know if it was specifically</p> <p>11 stated.</p> <p>12 Q. Well, let me direct your attention to</p> <p>13 paragraph 156. As a result of Integral's breaches</p> <p>14 of the Agreement, Owner has suffered damages in</p> <p>15 excess of \$1.219 million plus interest, attorneys'</p> <p>16 fees and costs.</p> <p>17 A. Okay, yes. I see that.</p> <p>18 Q. And that's related to the cost that the</p> <p>19 hotel was paying, right?</p> <p>20 A. Yes.</p> <p>21 Q. Paragraph 142, Owner paid \$1.195 million</p> <p>22 to NewGen for the replacement of the defectively</p> <p>23 installed wallcovering?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 300</p> <p>1 I'm just asking if you entered into a</p> <p>2 contract with NewGen Painting before they began</p> <p>3 doing the repairs for the hotel.</p> <p>4 A. I know they were engaged. I don't</p> <p>5 recall if there was a contract. I'd have to -- I'm</p> <p>6 just reading through the document now.</p> <p>7 Q. Let me direct your attention to</p> <p>8 paragraph 138. It says, "On approximately</p> <p>9 November 19, 2021, Owner entered into a contract</p> <p>10 for the replacement of the wallcovering with NewGen</p> <p>11 Painting, Inc."</p> <p>12 Next paragraph, "NewGen Painting was a</p> <p>13 contractor specializing in commercial, retail, and</p> <p>14 residential wallcovering and painting and was</p> <p>15 well-qualified to perform the replacement of the</p> <p>16 wallcovering."</p> <p>17 "140. Pursuant to the November 19th</p> <p>18 contract, NewGen Painting removed the</p> <p>19 defectively-installed wallcovering, furnished</p> <p>20 replacement custom silk wallcovering provided by</p> <p>21 Jolie Papier, Limited, and installed replacement</p> <p>22 wallcovering."</p> <p>23 Is that statement -- are those</p> <p>24 paragraphs true and accurate?</p>

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**April 14, 2023**  
**301-304**

<p style="text-align: right;">Page 301</p> <p>1 Here, let me help you. I am going to</p> <p>2 turn your attention back to Exhibit 1. I am going</p> <p>3 to share my screen, because I know it can take you</p> <p>4 a little bit of time, and we're short on time.</p> <p>5 Exhibit 1, WD 5545.</p> <p>6 MR. BOLAND: We -- is this after the one you</p> <p>7 just showed us?</p> <p>8 MR. BRUSTEIN: In a completely separate</p> <p>9 document. It's page 80 of Exhibit 1.</p> <p>10 MR. BOLAND: Oh, no, no. I understand that.</p> <p>11 Just is it earlier -- okay. It's earlier than the</p> <p>12 one we were just looking at, right?</p> <p>13 MR. BRUSTEIN: It's about 10 or 11 pages from</p> <p>14 the back.</p> <p>15 MR. BOLAND: Okay.</p> <p>16 MR. BRUSTEIN: I'll read it while you find it.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. "Dear Cathy, I confirmed with Frank and</p> <p>19 Sebastian today that the wallpaper project is</p> <p>20 scheduled to be completed by mid July, at the</p> <p>21 latest by July 17th."</p> <p>22 And this is June 26, 2020, before the</p> <p>23 date that you swore was true that you retained them</p> <p>24 in 2021.</p>	<p style="text-align: right;">Page 303</p> <p>1 Q. This was a true e-mail that was sent by</p> <p>2 Michal and received by you back on June 26, 2020,</p> <p>3 right?</p> <p>4 A. Yes. I don't recall when Michal</p> <p>5 resigned.</p> <p>6 Q. You know it was before November 2021,</p> <p>7 right?</p> <p>8 A. I'm not -- I don't recall.</p> <p>9 Q. Okay. Well, I'm going to ask you the</p> <p>10 same question or similar question that I asked you</p> <p>11 before.</p> <p>12 Did June 26, 2020, happen before or</p> <p>13 after November 19, 2021?</p> <p>14 A. It's before.</p> <p>15 Q. It would be fair to say that if the</p> <p>16 wallpaper was scheduled to be completed by July 17,</p> <p>17 2020, you wouldn't have retained someone, the same</p> <p>18 exact company in November 19, 2021, to do the work</p> <p>19 that they had already done?</p> <p>20 MR. BOLAND: Object to the form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I must have misread the date, then. I</p> <p>23 don't recall exactly when the wallpaper project was</p> <p>24 completed and when they were engaged.</p>
<p style="text-align: right;">Page 302</p> <p>1 So when you said that you reviewed this</p> <p>2 lawsuit, going back to Exhibit 13, and you retained</p> <p>3 this company in November of 2021 to replace the</p> <p>4 wallpaper, that except for those six legal rooms,</p> <p>5 had already been replaced back in 2020, that wasn't</p> <p>6 true, right?</p> <p>7 MR. BOLAND: Object to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I don't recall the exact date of the</p> <p>10 agreement.</p> <p>11 BY MR. BRUSTEIN:</p> <p>12 Q. Does the e-mail I just showed you</p> <p>13 refresh your recollection that the work was done</p> <p>14 before November 19, 2021?</p> <p>15 MR. BOLAND: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. That's what it says in the e-mail. I</p> <p>18 don't recall if that was exactly the year when it</p> <p>19 was completed.</p> <p>20 BY MR. BRUSTEIN:</p> <p>21 Q. Well, Michal didn't work there much</p> <p>22 after this e-mail, right?</p> <p>23 MR. BOLAND: Object to the form.</p> <p>24 BY MR. BRUSTEIN:</p>	<p style="text-align: right;">Page 304</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. So you would agree that the statement</p> <p>3 that the owner entered into a contract with NewGen</p> <p>4 Painting on November 19, 2021, was not a true</p> <p>5 statement?</p> <p>6 MR. BOLAND: Object to the form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I believe the date -- there's a</p> <p>9 discrepancy in the dates.</p> <p>10 BY MR. BRUSTEIN:</p> <p>11 Q. You think it's important to be accurate</p> <p>12 in federal filings?</p> <p>13 A. Yes.</p> <p>14 Q. And you think it's important to be</p> <p>15 accurate when you swear to the truth of matters</p> <p>16 under oath?</p> <p>17 A. Yes.</p> <p>18 Q. Do you think the fact that a date may be</p> <p>19 wrong is something that matters when you swear to</p> <p>20 tell the truth?</p> <p>21 MR. BOLAND: Object to the form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. Yes, the date matters. Again, I -- I</p> <p>24 don't think I caught the date.</p>



**CATHY HWANG**  
**SELENA STALEY -against- FOUR SEASONS HOTELS**

**April 14, 2023**  
**305-308**

<p style="text-align: right;">Page 305</p> <p>1 BY MR. BRUSTEIN:</p> <p>2 Q. I'm now going to show you a document</p> <p>3 that I'd ask be marked as Hwang Exhibit 3.</p> <p>4 (WHEREUPON, a certain document was</p> <p>5 marked Hwang Deposition Exhibit</p> <p>6 No. 3, for identification, as of</p> <p>7 4/14/23.)</p> <p>8 BY MR. BRUSTEIN:</p> <p>9 Q. Can I continue?</p> <p>10 A. Yes, please.</p> <p>11 Q. I am going to direct your attention to</p> <p>12 page 10, the second to the last page of this</p> <p>13 document. That's your verification and signature</p> <p>14 dated December 23, 2022, right?</p> <p>15 A. Yes.</p> <p>16 Q. And you swore that you were the agent of</p> <p>17 the defendants?</p> <p>18 MR. BOLAND: Object to the form.</p> <p>19 BY MR. BRUSTEIN:</p> <p>20 Q. Right?</p> <p>21 A. Yes.</p> <p>22 Q. Under what authority were you designated</p> <p>23 as an agent of Mr. Warner?</p> <p>24 MR. BOLAND: Object to the form.</p>	<p style="text-align: right;">Page 307</p> <p>1 indicated you were an agent of?</p> <p>2 MR. BOLAND: Object to the form.</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. Did you not mean that when you swore in</p> <p>5 your verification --</p> <p>6 (WHEREUPON, there was a short</p> <p>7 interruption.)</p> <p>8 MR. BOLAND: Bless you.</p> <p>9 BY MR. BRUSTEIN:</p> <p>10 Q. -- that you were an agent of the</p> <p>11 defendant?</p> <p>12 MR. BOLAND: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Again, I'm not an expert of law, and</p> <p>15 when I signed off on the verification, I took it as</p> <p>16 I'm a corporate representative for the defendants.</p> <p>17 BY MR. BRUSTEIN:</p> <p>18 Q. So you did not mean to represent</p> <p>19 yourself as an agent of Mr. Warner when you swore</p> <p>20 under penalty of perjury that you were?</p> <p>21 MR. BOLAND: Object to the form of the</p> <p>22 question.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I'm an employee of Mr. Warner, and I'm</p>
<p style="text-align: right;">Page 306</p> <p>1 Excuse me.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Mr. Warner appointed me as the corporate</p> <p>4 officer for the legal entities.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. Mr. Warner is an individual defendant in</p> <p>7 this case, though, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And on the first page, the first line</p> <p>10 says, "Defendants Hotel 57 Services, LLC, Hotel 57,</p> <p>11 LLC, Ty Warner Hotels &amp; Resorts LLC, and H. Ty</p> <p>12 Warner ('Defendants')." So when you said you were</p> <p>13 an agent of defendants, did you understand that you</p> <p>14 were representing to the court that you were agent</p> <p>15 of Mr. Warner?</p> <p>16 MR. BOLAND: Object to the form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I meant I was an agent of the legal</p> <p>19 entities.</p> <p>20 BY MR. BRUSTEIN:</p> <p>21 Q. Do you consider Mr. Warner to be a legal</p> <p>22 entity?</p> <p>23 A. No, he's an individual.</p> <p>24 Q. He was one of the defendants that you</p>	<p style="text-align: right;">Page 308</p> <p>1 an agent of his legal entities.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. I understand that, but you swore under</p> <p>4 penalty of perjury that you were an agent of his.</p> <p>5 And I'm asking if you meant to swear to that under</p> <p>6 oath or not?</p> <p>7 MR. BOLAND: Object to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. And I'm explaining that I'm the agent of</p> <p>10 his legal entities, and it didn't occur to me that</p> <p>11 I needed to be that technical and think of him as</p> <p>12 an individual. For the defendants, I was acting as</p> <p>13 an agent for the defendants.</p> <p>14 BY MR. BRUSTEIN:</p> <p>15 Q. Okay. Now, you also testified that you</p> <p>16 were involved in reviewing accuracy of submissions</p> <p>17 for the hotel management termination litigation</p> <p>18 involving the Hotel Four Seasons -- Four Seasons</p> <p>19 Hotel New York and Santa Barbara, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And you reviewed that filing before it</p> <p>22 was filed in court, right?</p> <p>23 MR. BOLAND: Object to the form.</p> <p>24 BY THE WITNESS:</p>

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309-312

<p style="text-align: right;">Page 309</p> <p>1 A. Yes.</p> <p>2 BY MR. BRUSTEIN:</p> <p>3 Q. And you did so to make sure that it was</p> <p>4 accurate and truthful?</p> <p>5 A. Yes.</p> <p>6 Q. I'm now showing you Exhibit 4. I'd ask</p> <p>7 that that be marked as Hwang Exhibit 4.</p> <p>8 I'm going to just let you know that it's</p> <p>9 several documents. It's not just the Petition for</p> <p>10 Appointment of the Arbitrators, but I'm going to</p> <p>11 start with the first portion of the document.</p> <p>12 THE REPORTER: Wait a minute. You keep</p> <p>13 talking, but I need to grab the exhibit. So,</p> <p>14 sorry.</p> <p>15 MR. BRUSTEIN: I'm sorry. I got ahead of</p> <p>16 myself.</p> <p>17 THE REPORTER: That's all right.</p> <p>18 (WHEREUPON, a certain document was</p> <p>19 marked Hwang Deposition Exhibit</p> <p>20 No. 4, for identification, as of</p> <p>21 4/14/23.)</p> <p>22 THE REPORTER: Okay. Thanks.</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. I'm going to represent to you that it's</p>	<p style="text-align: right;">Page 311</p> <p>1 already been terminated, right?</p> <p>2 MR. BOLAND: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. We're announcing that the owner wishes</p> <p>5 to terminate the agreement with Four Seasons.</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. Well, let's be a little bit more</p> <p>8 accurate as to what you allege. On page 5,</p> <p>9 paragraph 16, I will read it, and you tell me if</p> <p>10 I'm reading it correctly.</p> <p>11 As a result of Four Seasons' breaches,</p> <p>12 Owner served detailed default notices on Four</p> <p>13 Seasons in February 2021, and then, after Four</p> <p>14 Seasons failed to cure those defaults, served</p> <p>15 notices in March 2021 terminating Four Seasons'</p> <p>16 management of both hotels under the HMAs. However,</p> <p>17 Four Seasons refused to vacate the properties and</p> <p>18 contested Owner's termination of the HMAs."</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. The two hotels referenced are the Four</p> <p>22 Season Hotel New York and the Four Seasons Santa</p> <p>23 Barbara, right?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 310</p> <p>1 actually a collection of documents from that</p> <p>2 litigation. I'm right now going to be referencing</p> <p>3 the first 11 pages, which are titled the Petition</p> <p>4 for Appointment of Arbitrators.</p> <p>5 Have you seen that document before?</p> <p>6 Have you seen those documents -- that</p> <p>7 11-page document before?</p> <p>8 A. I was reviewing the full stack of</p> <p>9 information that was handed to me. Yes, I've seen</p> <p>10 the 10, 11-page document before.</p> <p>11 Q. And you reviewed it before it was filed</p> <p>12 to make sure it was accurate, right?</p> <p>13 A. Yes.</p> <p>14 Q. So that document on page 4 under the</p> <p>15 Factual Background, paragraph A, can you read that</p> <p>16 sentence, please, with the header.</p> <p>17 A. "Owner Terminates the Parties'</p> <p>18 Agreements Due to Four Seasons' breaches."</p> <p>19 More than two decade --</p> <p>20 Q. Just that sentence is all.</p> <p>21 A. Okay.</p> <p>22 Q. Thank you. That's not a future will</p> <p>23 terminate or will try to terminate. You and your</p> <p>24 company claim in this lawsuit that the HMA had</p>	<p style="text-align: right;">Page 312</p> <p>1 Q. So according to this federal filing that</p> <p>2 you swore is true, Ty Warner Hotels &amp; Resorts tried</p> <p>3 to evict Four Seasons from the Four Seasons Hotel</p> <p>4 New York because Ty Warner Hotels &amp; Resorts and</p> <p>5 Mr. Warner considered the HMA to be done, right?</p> <p>6 MR. BOLAND: Object to the form. Yeah, object</p> <p>7 to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I would not say that we tried to evict</p> <p>10 them. We announced that we'd like to terminate the</p> <p>11 management agreement. We didn't -- when you evict</p> <p>12 someone, you're forcing someone out physically.</p> <p>13 BY MR. BRUSTEIN:</p> <p>14 Q. Fine. But according to this filing, you</p> <p>15 considered it to be over. The HMA was terminated</p> <p>16 back in March 2021 when Four Seasons failed to cure</p> <p>17 the default notices, right?</p> <p>18 MR. BOLAND: Object to the form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. Can you repeat your question again.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. Did Ty Warner Hotels &amp; Resorts,</p> <p>23 Mr. Warner, and any other entity that he's involved</p> <p>24 with, send notice that the HMA was terminated --</p>

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**313-316**

<p style="text-align: right;">Page 313</p> <p>1 terminated and try to move on from Four Seasons?</p> <p>2 MR. BOLAND: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Yes, we initiated the termination.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. And that's because you, meaning</p> <p>7 Mr. Warner, and the entities, collectively,</p> <p>8 considered the HMA to be over and terminated,</p> <p>9 right?</p> <p>10 MR. BOLAND: Object to the form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. No, that's not what I would say.</p> <p>13 BY MR. BRUSTEIN:</p> <p>14 Q. Do you understand terminated to be the</p> <p>15 end?</p> <p>16 MR. BOLAND: Object to the form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. Four Seasons is still managing the</p> <p>19 hotel. So, yes, we filed this --</p> <p>20 BY MR. BRUSTEIN:</p> <p>21 Q. My question --</p> <p>22 A. -- to terminate --</p> <p>23 MR. BOLAND: Let her finish.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 315</p> <p>1 permanent?</p> <p>2 MR. BOLAND: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Are you asking about furloughing an --</p> <p>5 an employee or terminating an employee?</p> <p>6 BY MR. BRUSTEIN:</p> <p>7 Q. I did not say furlough. I said</p> <p>8 terminate. Are you confused about the definition</p> <p>9 of terminating?</p> <p>10 MR. BOLAND: Object to the form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. No. I'm not.</p> <p>13 BY MR. BRUSTEIN:</p> <p>14 Q. Are you aware of any definition of</p> <p>15 terminating that is not permanent?</p> <p>16 MR. BOLAND: Object to the form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. Termination is complete when the entire</p> <p>19 process of termination is complete.</p> <p>20 BY MR. BRUSTEIN:</p> <p>21 Q. Yes, but the position your company took</p> <p>22 in this lawsuit was that they terminated the</p> <p>23 relationship by serving notices in March of 2021,</p> <p>24 right?</p>
<p style="text-align: right;">Page 314</p> <p>1 A. -- but they're still managing the hotel.</p> <p>2 The term -- the termination process --</p> <p>3 BY MR. BRUSTEIN:</p> <p>4 Q. My question --</p> <p>5 A. -- is not complete.</p> <p>6 Q. Okay. But my question was about simply</p> <p>7 the word "terminated." Do you understand the word</p> <p>8 "terminated" to mean finished, over?</p> <p>9 MR. BOLAND: Object to the form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. The term here, I would define it as</p> <p>12 cutting the relationship with Four Seasons as the</p> <p>13 operator.</p> <p>14 BY MR. BRUSTEIN:</p> <p>15 Q. When you terminate an employee, is that</p> <p>16 considered temporary or permanent?</p> <p>17 MR. BOLAND: Object to the form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. In this case, I don't know.</p> <p>20 BY MR. BRUSTEIN:</p> <p>21 Q. Have you ever terminated an employee</p> <p>22 before?</p> <p>23 A. Yes.</p> <p>24 Q. Is that considered temporary or</p>	<p style="text-align: right;">Page 316</p> <p>1 MR. BOLAND: Object to the form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Yes.</p> <p>4 BY MR. BRUSTEIN:</p> <p>5 Q. And your understanding of termination is</p> <p>6 a permanent ending, right?</p> <p>7 MR. BOLAND: Object to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. Yes.</p> <p>10 MR. BRUSTEIN: Okay. I'm going to take a</p> <p>11 five-minute break. I -- I don't know if I have</p> <p>12 much more left.</p> <p>13 THE VIDEOGRAPHER: We are going off the record</p> <p>14 at 5:34 p.m.</p> <p>15 (WHEREUPON, a recess was had.)</p> <p>16 THE VIDEOGRAPHER: We are going back on the</p> <p>17 record at 5:40 p.m.</p> <p>18 BY MR. BRUSTEIN:</p> <p>19 Q. Now, you testified earlier that you,</p> <p>20 Mr. Warner and Mr. Hicks, I believe, are the</p> <p>21 officers of all the 30 or 40 companies that you are</p> <p>22 involved in; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And are the three of you all officers of</p>

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**317-320**

<p style="text-align: right;">Page 317</p> <p>1 Hotel 57 Services, LLC?</p> <p>2 A. Yes.</p> <p>3 Q. As officers of Hotel 57 Services, LLC,</p> <p>4 do you have supervisory authority over its</p> <p>5 employees?</p> <p>6 MR. BOLAND: Object to the form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. No.</p> <p>9 BY MR. BRUSTEIN:</p> <p>10 Q. So as an officer of the company Hotel 57</p> <p>11 Services, LLC, you have no control over any of the</p> <p>12 employees?</p> <p>13 A. Yes, that's correct.</p> <p>14 Q. Does Mr. Warner retain all of the</p> <p>15 authority over the employees at Hotel 57 Services,</p> <p>16 LLC?</p> <p>17 MR. BOLAND: Object to the form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. No, Mr. Warner does not have any</p> <p>20 authority over the Hotel 57, LLC, employees.</p> <p>21 BY MR. BRUSTEIN:</p> <p>22 Q. Is it your testimony that the employees</p> <p>23 of Hotel 57 Services, LLC, have no supervisor?</p> <p>24 A. The employees of Hotel 57, LLC, report</p>	<p style="text-align: right;">Page 319</p> <p>1 A. Yes. Yes.</p> <p>2 Q. So then you know from reviewing them</p> <p>3 that, at least the allegations are, that two of the</p> <p>4 plaintiffs worked with some level of supervisory</p> <p>5 experience, right?</p> <p>6 A. Yes.</p> <p>7 Q. Are you testifying that they have more</p> <p>8 authority of the operation and management of</p> <p>9 employees of Hotel 57 Services than you do as a</p> <p>10 officer of the company?</p> <p>11 A. That's correct.</p> <p>12 Q. Are you claiming that they have more</p> <p>13 authority than Mr. Warner himself?</p> <p>14 A. Yes, Mr. Warner nor any of the officers</p> <p>15 for Hotel 57, LLC, has authority over Hotel 57,</p> <p>16 LLC -- I'm sorry, Hotel 57 Services, LLC,</p> <p>17 employees.</p> <p>18 Q. What about Mr. Tauscher, when he was</p> <p>19 actually general manager, who was paying him?</p> <p>20 MR. BOLAND: Object to the form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Four Seasons pays him.</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. So it's your testimony that</p>
<p style="text-align: right;">Page 318</p> <p>1 to Four Seasons.</p> <p>2 Q. Is there anyone within Hotel 57</p> <p>3 Services, LLC, that's actually in charge?</p> <p>4 A. In charge of?</p> <p>5 Q. The other employees.</p> <p>6 A. Yes.</p> <p>7 Q. Who?</p> <p>8 A. The Four Seasons managers are in charge</p> <p>9 of the Hotel 57, LLC, employees.</p> <p>10 Q. When you say managers --</p> <p>11 A. Property --</p> <p>12 Q. -- is that the general?</p> <p>13 A. I'm sorry. I'll let you finish.</p> <p>14 Q. Is that general manager or someone else?</p> <p>15 A. Anyone in managerial role, including the</p> <p>16 general manager. It could be food and beverage</p> <p>17 manager or HR manager.</p> <p>18 Q. Some of the plaintiffs in this case were</p> <p>19 managers at Hotel -- at the Four Seasons Hotel New</p> <p>20 York, right?</p> <p>21 A. I don't -- I don't know. I'm -- I'm not</p> <p>22 familiar with employees by name.</p> <p>23 Q. Well, you reviewed the filings in this</p> <p>24 case, right?</p>	<p style="text-align: right;">Page 320</p> <p>1 Mr. Tauscher, when he was the general manager, was</p> <p>2 a Four Seasons employee, not a Hotel 57 Services,</p> <p>3 LLC, employee?</p> <p>4 MR. BOLAND: Object to the form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. He is a Hotel 57 Services, LLC, employee</p> <p>7 but he's paid by Four Seasons. The funding is</p> <p>8 provided during closure by ownership, but Four</p> <p>9 Seasons actually processes the payroll.</p> <p>10 BY MR. BRUSTEIN:</p> <p>11 Q. What about Elizabeth Ortiz?</p> <p>12 MR. BOLAND: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. The same.</p> <p>15 BY MR. BRUSTEIN:</p> <p>16 Q. Meaning she's paid by Four Seasons when</p> <p>17 the hotel is operating?</p> <p>18 MR. BOLAND: Object to the form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. Maybe I need to define that a little bit</p> <p>21 better. Hotel -- Four Seasons processes the</p> <p>22 payroll and pays the employees, but it --</p> <p>23 BY MR. BRUSTEIN:</p> <p>24 Q. Okay.</p>

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**321-324**

<p style="text-align: right;">Page 321</p> <p>1 A. But I guess it's paid out of the legal  2 entity for Hotel 57 Services, LLC. It's a bit  3 complicated because even the funding goes through.  4 Q. I will ask a different question.  5 A. Okay.  6 Q. Who supervises Elizabeth Ortiz?  7 A. Before Rudy Tauscher resigned, I believe  8 Elizabeth reported to Rudy Tauscher.  9 Q. And now who does she report to?  10 A. I don't know. I believe she reports to  11 someone at another Four Seasons employee, but she  12 does not report to any of the corporate officers.  13 Q. Are the Warner entities joint employers  14 with Four Seasons?  15 MR. BOLAND: Object to the form. That calls  16 for a legal conclusion.  17 MR. WAGNER: I object, as well.  18 BY MR. BRUSTEIN:  19 Q. You can answer.  20 A. No. The employees are employed by Four  21 Seasons. They are not employed by Ty Warner  22 entities.  23 Q. Now, earlier you testified that there  24 was a third property that -- of Mr. Warner's that</p>	<p style="text-align: right;">Page 323</p> <p>1 BY MR. BRUSTEIN:  2 Q. Is the testimony you've given today  3 complete and accurate in every respect?  4 MR. BOLAND: Object to the form.  5 BY THE WITNESS:  6 A. As to -- to my knowledge, yes, it's  7 accurate.  8 BY MR. BRUSTEIN:  9 Q. Give me just one second.  10 Did Mr. Warner want the general manager  11 and hotel manager positions eliminated after the  12 hotel shut down in March 2020?  13 MR. BOLAND: Object to the form.  14 BY THE WITNESS:  15 A. Which positions? Can you repeat your  16 question?  17 BY MR. BRUSTEIN:  18 Q. Rudy Tauscher's general manager  19 position.  20 MR. BOLAND: Same objection.  21 BY THE WITNESS:  22 A. Mr. Warner didn't see a need for a  23 general manager during hotel closure.  24 BY MR. BRUSTEIN:</p>
<p style="text-align: right;">Page 322</p> <p>1 has been closed for years for renovations. What  2 property was that?  3 A. Can you repeat that question again.  4 Q. There was a third property, in addition  5 to the two Four Seasons hotels, that Mr. Warner  6 owns that has been closed for years for  7 renovations. What is that third property?  8 A. So Montecito Country Club was closed for  9 renovation.  10 Q. Okay. But -- but it's now reopened?  11 A. Yes.  12 Q. Okay. Now, is there anything else you  13 haven't already testified to that you want to add  14 now?  15 MR. BOLAND: Object to the form.  16 BY THE WITNESS:  17 A. No, I'm here to answer your questions.  18 BY MR. BRUSTEIN:  19 Q. Is there anything else relating to this  20 lawsuit that you haven't testified to that you want  21 to add now?  22 MR. BOLAND: Object to the form.  23 BY THE WITNESS:  24 A. No.</p>	<p style="text-align: right;">Page 324</p> <p>1 Q. What about hotel manager during a hotel  2 closure?  3 A. He was fine having a hotel manager, but  4 he didn't see the need for a general manager during  5 hotel closure.  6 Q. So it would be fair to say he was  7 looking to eliminate that position during the hotel  8 closure?  9 MR. BOLAND: Object to the form.  10 BY THE WITNESS:  11 A. He -- Mr. Warner cannot eliminate a  12 position or employees, terminate employees. That's  13 up to Four Seasons.  14 BY MR. BRUSTEIN:  15 Q. Mr. Warner did decrease the salaries  16 during the closure of the hotel management  17 including bonuses, right?  18 MR. BOLAND: Object to the form.  19 BY THE WITNESS:  20 A. The salaries were not reduced for the  21 hotel employees.  22 BY MR. BRUSTEIN:  23 Q. For the management, didn't they get a  24 reduced salary?</p>



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325-328

<p style="text-align: right;">Page 325</p> <p>1 MR. BOLAND: Object to the form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Not to my knowledge, they did not get a</p> <p>4 reduced salary.</p> <p>5 BY MR. BRUSTEIN:</p> <p>6 Q. Does Mr. Warner use funding or the lack</p> <p>7 of funding to try and have people eliminate their</p> <p>8 own positions?</p> <p>9 MR. BOLAND: Object to the form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. No.</p> <p>12 MR. BRUSTEIN: I have no further questions for</p> <p>13 today. I am going to leave it open based upon the</p> <p>14 testimony that there are e-mails and documents that</p> <p>15 Ms. Hwang sent and received that have not been</p> <p>16 provided. Those documents were specifically</p> <p>17 requested in our discovery request. Those</p> <p>18 documents also were part of the motion to compel,</p> <p>19 which was granted by the court, and the court</p> <p>20 ordered the defendants to produce those documents.</p> <p>21 So we will be having a meet and confer</p> <p>22 probably on Monday to address the deficiencies of</p> <p>23 defendant's productions. And we will, after</p> <p>24 reviewing the additional productions, determine</p>	<p style="text-align: right;">Page 327</p> <p>1 STATE OF ILLINOIS )</p> <p>2 ) SS:</p> <p>3 COUNTY OF DU PAGE )</p> <p>4 I, JACQUELINE M. TIMMONS, a Notary</p> <p>5 Public within and for the County of DuPage, State</p> <p>6 of Illinois, and a Certified Shorthand Reporter of</p> <p>7 said state, do hereby certify:</p> <p>8 That previous to the commencement of the</p> <p>9 examination of the witness, the witness was duly</p> <p>10 sworn to testify the whole truth concerning the</p> <p>11 matters herein;</p> <p>12 That the foregoing deposition transcript</p> <p>13 was reported stenographically by me, was thereafter</p> <p>14 reduced to typewriting under my personal direction</p> <p>15 and constitutes a true record of the testimony</p> <p>16 given and the proceedings had;</p> <p>17 That before the conclusion of the</p> <p>18 deposition, the witness has requested a review of</p> <p>19 this transcript pursuant to Rule 30(e)(1);</p> <p>20 That the said deposition was taken</p> <p>21 before me at the time and place specified;</p> <p>22 That I am not a relative or employee or</p> <p>23 attorney or counsel, nor a relative or employee of</p> <p>24 such attorney or counsel for any of the parties</p>
<p style="text-align: right;">Page 326</p> <p>1 whether or not we need to depose Mr. Hwang --</p> <p>2 Ms. Hwang further.</p> <p>3 Ms. Hwang, thank you very much for your</p> <p>4 time today.</p> <p>5 MR. BOLAND: Two things. One, we disagree</p> <p>6 with everything you just said. Two, she's -- this</p> <p>7 deposition is over. And three, actually, three</p> <p>8 things, we will reserve signature.</p> <p>9 MR. WAGNER: No questions from FSR. Thank</p> <p>10 you.</p> <p>11 MR. BRUSTEIN: Are we off?</p> <p>12 THE VIDEOGRAPHER: We are going off record at</p> <p>13 5:52 p.m.</p> <p>14 FURTHER DEPONENT SAITH NOT.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 328</p> <p>1 hereto, nor interested directly or indirectly in</p> <p>2 the outcome of this action.</p> <p>3 IN WITNESS WHEREOF, I do hereunto set my</p> <p>4 hand and affix my seal of office at Chicago,</p> <p>5 Illinois, this 21st day of April, 2023.</p> <p>6 <i>Jacqueline M Timmons</i></p> <p>7</p> <p>8 Notary Public, DuPage County, Illinois.</p> <p>9 My commission expires January 23, 2026.</p> <p>10</p> <p>11</p> <p>12 C.S.R. Certificate No. 84-2949.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <div data-bbox="1055 1596 1331 1701" style="border: 1px solid black; padding: 5px; text-align: center;"> <p><b>OFFICIAL SEAL</b> JACQUELINE M TIMMONS NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 1/23/2026</p> </div>

CATHY HWANG  
SELENA STALEY -against- FOUR SEASONS HOTELS

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329-332

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1 I N D E X

2 WITNESS EXAMINATION

3 CATHY HWANG

4 By Mr. Brustein 6

5

6 E X H I B I T S

7 NUMBER MARKED FOR ID

8 Hwang Deposition

9 Exhibit No. 1 104

10 Exhibit No. 3 305

11 Exhibit No. 4 309

12 Exhibit No. 5 190

13 Exhibit No. 7 235

14 Exhibit No. 8 279

15 Exhibit No. 9 195

16 Exhibit No. 13 292

17 Exhibit No. 14 166

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1 DEPOSITION ERRATA SHEET

2

3 Our Assignment No. J9562590

4 Selena Staley, et al., vs. Four Seasons Hotels and

5 Resorts, et al.,

6

7 DECLARATION UNDER PENALTY OF PERJURY

8

9 I declare under penalty of perjury that I

10 have read the entire transcript of my Deposition

11 taken in the captioned matter or the same has been

12 read to me, and the same is true and accurate, save

13 and except for changes and/or corrections, if any,

14 as indicated by me on the DEPOSITION ERRATA SHEET

15 hereof, with the understanding that I offer these

16 changes as if still under oath.

17

18 Signed on the \_\_\_\_ day of

19 \_\_\_\_\_, 20\_\_.

20 \_\_\_\_\_

21 CATHY HWANG

22

23

24

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1 DEPOSITION ERRATA SHEET

2 Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

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4 Reason for change: \_\_\_\_\_

5 Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

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7 Reason for change: \_\_\_\_\_

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22 Reason for change: \_\_\_\_\_

23 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

24 CATHY HWANG

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1 DEPOSITION ERRATA SHEET

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8 Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

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10 Reason for change: \_\_\_\_\_

11 Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

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14 Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

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16 Reason for change: \_\_\_\_\_

17 Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

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19 Reason for change: \_\_\_\_\_

20 Page No. \_\_\_\_ Line No. \_\_\_\_ Change to: \_\_\_\_\_

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22 Reason for change: \_\_\_\_\_

23 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

24 CATHY HWANG

CATHY HWANG  
SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023  
330

DEPOSITION ERRATA SHEET

Our Assignment No. J9562590

Selena Staley, et al., vs. Four Seasons Hotels and  
Resorts, et al.,

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I  
have read the entire transcript of my Deposition  
taken in the captioned matter or the same has been  
read to me, and the same is true and accurate, save  
and except for changes and/or corrections, if any,  
as indicated by me on the DEPOSITION ERRATA SHEET  
hereof, with the understanding that I offer these  
changes as if still under oath.

Signed on the 22nd day of

May, 2023.

Cathy Hwang

CATHY HWANG

CATHY HWANG  
SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023

1 DEPOSITION ERRATA SHEET

2 Page No. 12 Line No. 14 Change to: "Yes" to

3 "Montecito Country Club LLC was the plaintiff"

4 Reason for change: Clarification

5 Page No. 19 Line No. 8 Change to: "No." to "Yes."

6

7 Reason for change: Correction

8 Page No. 26 Line No. 20 Change to: Add "as president of

9 Hotel 57, LLC." at end of sentence

10 Reason for change: Clarification

11 Page No. 30 Line No. 11 Change to: "Hotel 57, LLC"

12

13 Reason for change: Correction

14 Page No. 30 Line No. 19 Change to: "FSR International

15 Hotels, Inc."

16 Reason for change: Clarification

17 Page No. 31 Line No. 20 Change to: Change

18 "Ty Warner Hotels & Resorts" to "Hotel 57, LLC"

19 Reason for change: Correction

20 Page No. 32 Line No. 9 Change to: Change

21 "Ty Warner Hotels & Resorts" to "Hotel 57, LLC"

22 Reason for change: Correction

23 SIGNATURE: Cathy Hwang DATE: 5/22/23

24 CATHY HWANG

CATHY HWANG  
SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023

1 DEPOSITION ERRATA SHEET

2 Page No. 39 Line No. 19 Change to: "Tell" to "Hill"

3

4 Reason for change: Spelling

5 Page No. 39 Line No. 17 Change to: Change "Montecito

6 Club" to "Montecito Country Club"

7 Reason for change: Correction

8 Page No. 34 Line No. 18 Change to: Change "Course"

9 to "Trust"

10 Reason for change: Correction

11 Page No. 49 Line No. 10 Change to: "Yes, or it might

12 have been at a later time in 2016."

13 Reason for change: Clarification

14 Page No. 69 Line No. 15 Change to: "SYR Service

15 Company"

16 Reason for change: Correction

17 Page No. 87 Line No. 3 Change to: Insert "as president

18 of Hotel 57 LLC" after "over"

19 Reason for change: Clarification

20 Page No. 91 Line No. 24 Change to: Insert "Hotel 57,

21 LLC" after "wants"

22 Reason for change: Clarification

23 SIGNATURE: Cathy Hwang DATE: 5/22/23

24 CATHY HWANG



CATHY HWANG  
SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023

1 DEPOSITION ERRATA SHEET

2 Page No. 113 Line No. 24 Change to: Change "Mr.

3 Warner's" to "Hotel 57, LLC's"

4 Reason for change: Clarification

5 Page No. 114 Line No. 8 Change to: Change "Mr.

6 Warner" to "Hotel 57, LLC"

7 Reason for change: Clarification

8 Page No. 120 Line No. 11 Change to: Change "we" to

9 "Hotel 57, LLC"

10 Reason for change: Clarification

11 Page No. 120 Line No. 18 Change to: Change "we" to

12 "Hotel 57, LLC"

13 Reason for change: Clarification

14 Page No. 121 Line No. 22 Change to: Change "we" to

15 "Hotel 57, LLC"

16 Reason for change: Clarification

17 Page No. 123 Line No. 18 Change to: Add "for Hotel 57,

18 LLC" after "together"

19 Reason for change: Clarification

20 Page No. 126 Line No. 21 Change to: Add "Hotel 57, LLC"

21 after "For"

22 Reason for change: Clarification

23 SIGNATURE: Cathy Hwang DATE: 5/22/23

24 CATHY HWANG

CATHY HWANG  
SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023

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DEPOSITION ERRATA SHEET

Page No. 127 Line No. 23 Change to: Add "Hotel 57, LLC refused to fund" after "recall"

Reason for change: Clarification

Page No. 129 Line No. 17 Change to: Change "We were" to "Hotel 57, LLC was"

Reason for change: Clarification

Page No. 129 Line No. 23 Change to: "as part of Ty Warner Hotels & Resorts" to "as President of Hotel 57, LLC"

Reason for change: Correction

Page No. 136 Line No. 16 Change to: Insert "Hotel 57, LLC" between "the" and "funding"

Reason for change: Clarification

Page No. 144 Line No. 12 Change to: Add "but the Hotel was already closed because of Covid."

Reason for change: Clarification

Page No. 146 Line No. 22 Change to: Change "monitoring" to "modernization"

Reason for change: Transcription error

Page No. 155 Line No. 20 Change to: Change "Ty Warner Hotels & Resorts" to "Hotel 57 LLC"

Reason for change: Correction

SIGNATURE: Cathy Hwang DATE: 5/22/23

CATHY HWANG

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SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023

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DEPOSITION ERRATA SHEET

Page No. 165 Line No. 12 Change to: Replace first  
sentence with "Ty Warner Hotels & Resorts does not decide when the Hotel opens."

Reason for change: Clarification

Page No. 166 Line No. 5 Change to: Add "as president of  
Hotel 57, LLC."

Reason for change: Clarification

Page No. 169 Line No. 9 Change to: Change "We relied  
on" to "Hotel 57, LLC relied on Ty Warner Hotels & Resorts"

Reason for change: Clarification

Page No. 178 Line No. 3 Change to: "Hotel 57 LLC did  
not accept them."

Reason for change: Clarification

Page No. 178 Line No. 10 Change to: "Hotel 57, LLC  
rejected them."

Reason for change: Clarification

Page No. 175 Line No. 16 Change to: Add "for Hotel 57,  
LLC" after "myself"

Reason for change: Clarification

Page No. 179 Line No. 17 Change to: Change "It" to "Hotel  
57, LLC."

Reason for change: Clarification

SIGNATURE: Cathy Hwang DATE: 5/22/23

CATHY HWANG

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SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023

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DEPOSITION ERRATA SHEET

Page No. 180 Line No. 18 Change to: Add "to Hotel 57,  
LLC" after "loss"

Reason for change: Clarification

Page No. 183 Line No. 14 Change to: Change "the  
company" to "Hotel 57, LLC"

Reason for change: Clarification

Page No. 183 Line No. 14 Change to: Change "the  
Company" to "Hotel 57, LLC"

Reason for change: Clarification

Page No. 183 Line No. 16 Change to: Change "his" to  
"Hotel 57, LLC's"

Reason for change: Clarification

Page No. 185 Line No. 19 Change to: Add "has no  
responsibility to pay employees" after "Ty Warner Hotels & Resorts"

Reason for change: Clarification

Page No. 198 Line No. 14 Change to: Add "No, and I"  
to start of answer

Reason for change: Clarification

Page No. 199 Line No. 4 Change to: Change "we" to  
"Hotel 57, LLC"

Reason for change: Clarification

SIGNATURE: Cathy Hwang DATE: 5/22/23

CATHY HWANG

CATHY HWANG  
SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023

1 DEPOSITION ERRATA SHEET

2 Page No. 202 Line No. 22 Change to: Change "We" to

3 "Hotel 57, LLC"

4 Reason for change: Clarification

5 Page No. 204 Line No. 24 Change to: Add "Hotel 57 LLC

6 commenced proceedings"

7 Reason for change: Clarification

8 Page No. 205 Line No. 22 Change to: Change "lawsuit" to

9 "arbitration"

10 Reason for change: Clarification

11 Page No. 206 Line No. 4 Change to: Change answer to

12 "It is an arbitration filed in good faith."

13 Reason for change: Clarification

14 Page No. 206 Line No. 11 Change to: "In the arbitration,

15 yes."

16 Reason for change: Clarification

17 Page No. 207 Line No. 14 Change to: Change "litigating"

18 to "arbitrating"

19 Reason for change: Clarification

20 Page No. 208 Line No. 4 Change to: Change to Mr.

21 Warner wants" to "Mr. Warner and Hotel 57, LLC want"

22 Reason for change: Clarification

23 SIGNATURE: Cathy Hwang DATE: 5/22/23

24 CATHY HWANG



CATHY HWANG  
SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023

1 DEPOSITION ERRATA SHEET

2 Page No. 213 Line No. 24 Change to: Add "FSR was not

3 ready" after "No"

4 Reason for change: Clarification

5 Page No. 216 Line No. 10 Change to: Insert "Hotel 57,

6 LLC" between "consider" and "funding"

7 Reason for change: Clarification

8 Page No. 218 Line No. 7 Change to: Change "We" to

9 "Hotel 57 Services, LLC"

10 Reason for change: Clarification

11 Page No. 221 Line No. 11 Change to: "He's not -- he's not

12 required to pay" to "Hotel 57, LLC's not required to fund"

13 Reason for change: Clarification

14 Page No. 224 Line No. 22 Change to: Change "We" to

15 "Hotel 57 Services, LLC"

16 Reason for change: Clarification

17 Page No. 225 Line No. 4 Change to: Change "We"

18 to "Hotel 57 Services, LLC"

19 Reason for change: Clarification

20 Page No. 225 Line No. 8 Change to: Change "we" to

21 "Hotel 57 Services, LLC"

22 Reason for change: Clarification

23 SIGNATURE: Cathy Hwang DATE: 5/22/23

24 CATHY HWANG

CATHY HWANG  
SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023

1 DEPOSITION ERRATA SHEET

2 Page No. 226 Line No. 17 Change to: Change "we" to

3 "Hotel 57 Services, LLC"

4 Reason for change: Clarification

5 Page No. 235 Line No. 8 Change to: "I have seen his

6 personal taxes, but I have not reviewed them substantively."

7 Reason for change: Clarification

8 Page No. 247 Line No. 21 Change to: "Yes, physically.

9 He works remotely."

10 Reason for change: Clarification

11 Page No. 254 Line No. 16 Change to: "I don't recall what his

12 lawyer said."

13 Reason for change: Correction

14 Page No. 261 Line No. 7 Change to: Change "I don't

15 know. I don't know." to "None."

16 Reason for change: Correction

17 Page No. 261 Line No. 23 Change to: change "I said he" to

18 "As president of Hotel 57, LLC, he had influence over hiring of two people."

19 Reason for change: Clarification

20 Page No. 293 Line No. 24 Change to: Add ", but not for

21 that purpose."

22 Reason for change: Clarification

23 SIGNATURE: Cathy Hwang DATE: 5/22/23

24 CATHY HWANG

CATHY HWANG  
SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023

1 DEPOSITION ERRATA SHEET

2 Page No. 297 Line No. 18 Change to: Add "in this

3 complaint."

4 Reason for change: Clarification

5 Page No. 298 Line No. 4 Change to: Add ", not in the

6 complaint."

7 Reason for change: Clarification

8 Page No. 312 Line No. 9 Change to: Add "No, Ty Warner

9 Hotels and Resorts is not a party."

10 Reason for change: Clarification

11 Page No. 312 Line No. 10 Change to: Change "we" to

12 "Hotel 57, LLC"

13 Reason for change: Clarification

14 Page No. 313 Line No. 4 Change to: Change "Yes, we" to

15 "Hotel 57, LLC"

16 Reason for change: Clarification

17 Page No. 316 Line No. 3 Change to: "Yes, Hotel 57 LLC

18 took a position in arbitration."

19 Reason for change: Clarification

20 Page No. 324 Line No. 20 Change to: Add "Mr. Warner

21 does not determine salaries, and the" to beginning of answer

22 Reason for change: Clarification

23 SIGNATURE: Cathy Hwang DATE: 5/22/23

24 CATHY HWANG

CATHY HWANG  
SELENA STALEY -against- FOUR SEASONS HOTELS

April 14, 2023

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DEPOSITION ERRATA SHEET

Page No. 118 Line No. 19 Change to: Change "He" to  
"Hotel 57 Services, LLC"

Reason for change: Clarification

Page No. 185 Line No. 19 Change to: Add "Ty Warner  
Hotels and Resorts funds Hotel 57 LLC's" before "providing"

Reason for change: Clarification

Page No.        Line No.        Change to:       

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SIGNATURE: Cathy Hwang DATE: 5/22/23

CATHY HWANG



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